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THE

Parliamentary Debates

FROM

THE YEAR

1803

TO THE PRESENT TIME:

FORMING A CONTINUATION OF THE WORK ENTITLED
"THE PARLIAMENTARY HISTORY OF ENGLAND FROM THE EARLIEST
PERIOD TO THE YEAR 1803."

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COMPRISING THE PERIOD
FROM
THE THIRTEENTH DAY OF MARCH
TO
THE FOURTEENTH DAY OF MAY
1805.

LONDON:

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THE

Parliamentary Debates

During the Third Session of the Second Parliament of the United Kingdom of Great Britain and Ireland, and of the Kingdom of Great Britain the Nineteenth, appointed to meet at Westminster, the Fifteenth Day of January, 1805, in the Forty-fifth Year of the Reign of King GEORGE the Third. [*Sess.* 1805.

HOUSE OF LORDS.

Wednesday, March 13, 1805.

[MINUTES.]—Counsel were heard in continuation, and at great length, relative to the Scots' Appeal, the earl of Kinnoul and others *v.* the hon. Mr. Maule and others, viz. Mr. Alexander, as second counsel for the appellants, and Mr. Romilly as leading counsel on the part of the respondents.—Mr. Alexander brought up from the Commons the Mutiny bill, the Additional Salt Duties bill, and the Additional Property Tax bill.—The bills upon the table were forwarded in their respective stages. Among these, the Pleasure Horse Duty bill went through a Committee, and was reported: and the bills brought up from the Commons were severally read a first time.—Adjourned.

HOUSE OF COMMONS.

Wednesday, March 13.

[MIDDLESEX ELECTION.] — Mr. *H. Thornton* presented a petition from G. B. Mainwaring, esq. sir W. Gibbons, sir W. Curtis, H. Thornton, esq. W. Mellish, esq. and S. P. Cockerell, esq.; setting forth, "That the petitioners now are, and at the time of the last election of a member to serve in this present parliament for the county of Middlesex were, freeholders of the said county, and claim to have had a right to vote at the said election; that at the said election sir F. Burdett and the petitioner G. B. Mainwaring, esq. were candidates to represent the said county, as a knight of the shire for the same, in this present parliament; and that the said election commenced on the 23d day of July 1804 at Brentford, in the said county, and that the poll taken at the said election continued open for 15 days; at which said election J. Shaw, esq. and sir W. Leighton, knt. were sheriffs and returning officer for the said county; and the petitioners further state, that the said sir F. Burdett, his agents, friends, managers, partizans, and others on his behalf, with divers wicked and evil disposed persons, regardless of the laws against bribery and corruption in the election of members to serve in parliament, and of the pains and penalties of perjury, and subornation of perjury, and in violation and defiance of the laws and statutes provided for the security of the franchises of the real electors in this kingdom, and intending and devising to defeat the rights of the real freeholders of the said county of Middlesex, and to defraud them of their privilege of electing a knight to serve in this present parliament for the said county, did combine and confederate together, by means of fictitious and pretended voters, to obtain an apparent and colourable majority on the poll in favour of the said sir F. B.; and by these and other corrupt and unlawful means, to procure the said sir F. B. to be returned to serve in this present parliament for the said county of Middlesex, in opposition to the votes of the majority of the real freeholders of the said county; and, in furtherance of the said unlawful purpose, did procure great numbers of wicked and evil disposed persons to represent themselves to be freeholders of the said county, and to assume the names and descriptions of real freeholders of the said county; and did, on every day during the said election, and more particularly on the latter days thereof, send, and procure to be sent, divers of the said pretended freeholders to Brentford, in order to vote for the said sir F. B.; and that, notwithstanding many of the said persons, so sent and procured to be sent as aforesaid, after they had entered their names and descriptions on the poll, but before they had completed their votes, were detected and exposed by the agents and inspectors of the petitioner G. B. Mainwaring, yet that the said sir F. B. his agents, friends, partizans, managers, and others on his behalf, by various means, arts, and devices, did cause and procure great numbers of such false, pretended, and fictitious freeholders to take, being duly required to take, the freeholder's oath, and the oath against bribery, and did cause and procure the same persons to be received on the poll, and their votes to be entered for the said sir F. B.; and, in furtherance of the said unlawful purpose, did cause and procure divers persons to personate real freeholders of the said county, and in their names to give their votes for the said sir F. B.; and did cause and procure divers other persons to vote for and in respect of freeholds, to which they had not any right or pretence of right; and did also cause and procure divers persons to vote more than once for the said sir F. B.; and by gifts and rewards, and by promises, agreements, and securities for gifts and rewards, did procure divers persons, as well those who were qualified to vote as also those who claimed or pretended to have a right to vote at the said election, and also others who had no pretence or colour to such right, to vote at the said election for the said sir F. B.; and, in furtherance of the said unlawful purpose, did prevail on the said sheriff to receive and put upon the poll, after 3 o'clock, on the 15th day of the said election, the votes of 10 persons for the said sir F. B. who had no right or title to vote at the said election; and that by these and other unlawful and corrupt practices, the said sir F. B. his agents, friends, partizans, managers and others, on his behalf, did procure a colourable and apparent majority of 1 vote for the said sir F. B. on the poll over the petitioner G. B. Mainwaring; and the petitioners further state, that the said sir F. B. his agents, friends, partizans, managers, and others on his behalf, did artfully and unlawfully cause and procure great numbers of persons to be admitted to vote at the said election for the said sir F. B. who had no right whatever to vote at the said election, and amongst them many persons who had not any colour or pretence of right to vote at the said election; and did also cause and procure divers persons to personate real freeholders of the said county, and in their names to give their votes for the said sir F. B.; and did cause and procure divers persons to vote more than once for the said sir F. B. at the said election, and to vote for freeholds to which they had no right, or pretence of right; and did also cause and procure many persons to be admitted to vote for the said sir F. B. who by gifts and rewards, and by promises, agreements, and securities for gifts and rewards, were bribed and corrupted to give their votes for the said sir F. B.; and that the said sheriff did permit to vote, and did receive on the poll, the votes of many persons in favour of the said sir F. B. who had no right to vote at the said election, and at said election did reject the votes of many persons having a right to vote, and who tendered their votes at the said election for the petitioner G. B. Mainwaring, and who ought to have been received and admitted to vote at the said election; and that by the aforesaid and other unlawful means the said sheriff did put and place upon the poll 2833 votes for the said sir F. B. including therein the votes of the before-mentioned 10 persons who had no right whatever to vote at the said election, and whose titles to vote were examined into, and to whom the freeholder's oath and the bribery oath were administered, and whose votes were placed upon and added to the poll after 3 o'clock on the 15th day of the said election; and that the said sheriff did admit on the poll for the petitioner 2832 votes, thereby giving to the said sir F. B. an apparent and colourable majority of one vote on the poll over the petitioner; by means whereof the said sir F. B. is now wrongfully returned to serve in this present parliament as a knight of the shire for the said county of Middlesex, whereas the petitioner had and hath on the said poll a large majority of legal votes of the real freeholders of the said county over the said sir F. B. and was therefore duly elected a knight of the shire to represent the said county of Middlesex in this present parliament, and ought to have been returned, and ought now to be declared duly elected instead of the said sir F. B. and the return of sir F. B. ordered to be accordingly amended and altered; and the petitioners further state, that the said sir F. B. by himself, his agents, friends, managers, partizans, and others on his behalf, previous to and at the said election, was guilty of gross and notorious bribery and corruption: and that at and during the said election, and previous thereto, the said sir F. B. by himself, his agents, friends, managers, partizans, and others on his behalf, by gifts and rewards, and promises, agreements, and securities for gifts and rewards, did corrupt and procure divers persons, as well those who were qualified to vote as those who claimed or pretended to have a right to vote at the said election, in their own names, or in the names of others, or for the freeholds of others, to give their votes for him the said sir F. B.; and did also by gifts and rewards, and promises, agreements, and securities for gifts and rewards, corrupt and procure divers other persons, being qualified to vote at the said election, to refuse and forbear to give their votes at the same for the petitioner, contrary to the law and custom of parliament, and the laws and statutes of the realm enacted for the prevention of bribery and corruption; and the petitioners further state, that the said sir F. B. by himself, his agents, friends, managers, partizans, and others on his behalf and at his charge, after the teste of the writ for the said election, and at and during the said election, and before the election of the said sir F. B. to serve in parliament for the said county of Middlesex, did give, present, and allow to divers persons who had votes, or claimed or pretended to have right to vote at such election, money, meat, drink, entertainment, and provision, and make presents, gifts, rewards, and entertainments, and make promises, agreements, obligations, and engagements to give and allow money, meat, drink, provision, presents, rewards, and entertainments, to and for such persons having or claiming or pretending to have right to vote in the said election, and to and for the use, advantage, benefit, emolument, profit, and preferment of such person and persons, in order to his the said sir F. B.'s being elected, and that the said sir F. B. might be elected to serve in this present parliament for the said county of Middlesex, in violation of the standing order and regulations of the house, and in defiance of the laws and statutes of the realm for preventing charge and expence in the election of members to serve in parliament; and that, by the aforesaid and other corrupt and unlawful means, the said sir F. B. obtained an apparent and colourable majority of one vote over the petitioner, in manifest violation of the rights and privileges of the petitioners, and all other the real freeholders of the county of Middlesex, whereas the petitioners alledge, and humbly insist, that the said G. B. M. had a large majority of legal votes at the said election, and ought to have been returned accordingly; and therefore praying, that the house will take the premises into their consideration, and will grant to the petitioners such relief, and will take such other measures for vindicating the freedom of election, and the franchises of real freeholders, as to the house shall seem meet."—Ordered to be taken into consideration on the 9th of April.

[IRISH BUDGET.]—Mr. *Foster* moved the order of the day, for the house resolving itself into a committee of Ways and Means. He also moved, that several acts relating to the revenue in Ireland should be referred to the said committee; and that it should be an instruction to the committee to consider of the said acts. The house having resolved itself into the said committee, the right hon. gent. rose and spoke as follows:—Sir, having detained the committee last year at considerable length on the subject of the situation of Ireland, I shall not now have occasion to go so much into detail. I shall begin with a few observations as to the state of the trade of Ireland, and I am happy in saying, that although the trade has not so much advanced as I could have wished, yet it is in a far better situation than it was some time ago. A very short statement will elucidate this position. The imports were to the amount of 5,700,000l. last year. The imports for the 5 years preceding, were, on an average, 5,711,000l. so that in fact, the imports for the last year is rather less than the average of the former 5 years. The exports amounted to 4,980,000l. last year, which is much beyond what they have reached at any period during the last 10 years; therefore, the question stands thus: there has been no alarming decrease in the imports last year, and the exports exceed the amount of the preceding years. With regard to the exports, there is something extremely consolatory to be remarked. The linen trade has increased: during the three quarters of the last year ending in Oct. the exports were within 2 millions of yards of the exports of the whole of the preceding year; therefore we may conclude, that the exports of the whole of last year will have greatly exceeded the exports of former years. In the imports of last year, as compared with the preceding year, there is an excess of some of the materials of manufacture; that excess is on the raw materials only, such as cotton yarn and cotton wool. With regard to the linen trade, the whole of the excess during the 3 quarters of the last year, compared with the 3 quarters of the preceding year, is 3 millions of yards; the principal part of this increase arises from the exports to the colonies in the West Indies. Here allow me to remark, that if in laying on taxes we do not hinder trade and manufactures, we do well; and if in taking off taxes we promote trade, we do better. Last year the export tax on the linen trade was taken off, and there was an excess of 3 millions of yards: so far with respect to trade. We stand not in the situation we did some years ago; we are not in a declining way, taken upon a comparison with former years. The balance of the imports over the exports for the last five years, amounts to 1,195,000l. a year, official value. Take the excess of last year, and it is only 655,000l. so that the excess of the import over the export trade is not one half of what it has been for the last five years.—With respect to the debt of Ireland, let us see how it has increased. I shall not enter into the cause or the means of preventing so large an increase. We can at least shew that we have stopped the progress of that increase. In Jan. 1804, the debt of Ireland was 53 millions. The year before it was only 43 millions, so that there was an increase that year of 10 millions. The increase now will not be half that amount; so that we may say we are in a better situation than we were at the close of the last year.—Having stated the situation of the trade and the debt of Ireland, I will proceed to lay before the committee the demands, and the Ways and Means for meeting them. The whole charge of the year 1805, for the debt of Ireland, including the sinking fund, is 2,611,623l. The proportion of 2-17ths of the sum raised by Ireland for the joint charge for the service of the year, is 5,403,102l. British, or 5,853,360l. Irish, making together the sum of 8,464,983l. which is the sum Ireland is to provide to pay the interest of her debt, and her quota of contribution. Certainly it is a very large sum, and one cannot apply one's attention too much to the means of lessening it. In order to meet this demand, I shall take the revenues of Ireland at 4 millions. I shall explain my reason for taking them at that sum presently. A loan has been settled for 2,500,000l. which is 2,708,333l. Irish. A further loan is intended of 1 million. There was a residue, on the 5th Jan. of the loan of last year, to the amount of 738,789l. British, or 800,354l. Irish, which has not been transmitted to the Irish treasury, and I shall therefore bring it forward. This comes to 8,508,687l. to meet a charge of 8,464,983l. The next thing will be to raise the Ways and Means for the interest of 2,500,000l. English, and 1,000,000l. Irish.

On 2½ millions, at 6l. 17s. 7d. per cent. the British Irish charge is	172,062	186,400
On 1,000,000l. suppose at same rate, - - -		68,825
Making in the whole a charge, including the sinking fund, of		£.255,255

I have stated that I take the revenues of Ireland at 4 millions. I shall now explain the reason why. They produced last year 2,800,000l. The principle I go on is to put the revenues at a full peace establishment, and to raise the additional war expences. I suppose that the revenues will produce 1,200,000l. more than last year. It is pleasant to know, that the taxes which the house thought proper to impose last year, with the exception of the taxes on excise, have operated, in the gross, perfectly to my satisfaction. The whole revenues of the country, for the two quarters ending Midsummer 1804, amount to 1,334,000l.; for the two quarters ending 5th Jan. 1805, 1,886,000l. The excess of the two quarters ending 5th January is 552,000l. more than the excess of the preceding quarters. Without going into *minutiæ*, I state the revenue to have gained by an acquisition of 552,000l. I know that the duties on the distilleries are not collected as they ought to be. I am well warranted in saying, that if a proper mode of collecting them had been resorted to, they would have amounted to considerably more than they have done. I am persuaded, that, with the addition of the duties on the distilleries, collected as they ought to be, the revenues of Ireland, in time of peace, will not produce less than 4½ millions; stating the interest of the debt at 2½ millions, there will be 2 millions over. Now 2 millions cannot be expended in a peace establishment, unless 15 millions are expended in England. In talking of the collection of the revenues, I believe many gentlemen who hear me can bear testimony, that there is not a city or county in Ireland where the duties on distilleries are perfectly collected; they are not collected in the counties of Galway, Tyrone, or the province of Connaught. As to the city of Dublin, I do not wish to detail what I know concerning the collection of the revenue in it; but I will say thus much, that there is scarcely a distiller in Dublin who has not openly and honestly avowed to me that he has defrauded the revenue. It is owing to the wretched system with regard to the lower officers of excise; their means are so small, and their habits of expence are so great, that without raising their salaries considerably, as the reward of diligence and merit, we shall never be able to prevent the distiller from acts of fraud and peculation. There are 17 or 18 distillers that not long ago, on being examined, refused to be examined on oath, and actually sent in a memorial, stating that it would be an act of perfidy in them to disclose facts that would be injurious to others, and that they could not, as honest men, make any discovery. This they fairly acknowledged to me, and I recollect, that in the books of one distiller in particular, there was a charge of 1200l. paid to revenue officers. Without the utmost exertions of the commissioners of excise, and at the same time bettering the condition of the revenue officers, you can never make any alteration. I hope the period will not be long when you will ameliorate the excise laws, and make them more fair and equitable with regard to those who pay the duties. It is a fact, that the sub-commissioners of excise are themselves the seizing officers; therefore, until that is remedied, it is impossible that the excise trial can be palatable. The nearer we can get to the civil mode of trial in proceedings relative to revenue the better. It is particularly important that the collection of the excise duties should be under one board. I hope, on some future occasion, to call the attention of the house to this subject. The object is to find the Ways and Means for this sum of 255,225l. a year. First, I shall propose a tax on several articles, which, though of importance, yet, with the exception of one, are trifling as objects on which taxation will be felt. It is scarce worth while going through the whole detail. I propose to increase the duties on the importation of timber, raisins, pepper, &c.—The hon. baronet (sir J. Newport) who represents the city of Waterford, seems alarmed at the idea of a tax on timber; but if he thinks that the revenue must necessarily be raised on something, there is nothing on which a tax can fall so lightly as on foreign timber. It will certainly not affect the poorer classes. There is hardly a cabin of a poor man in Ireland that is made of foreign timber. I do not know of any cabin that is not built of Irish timber. Perhaps in Waterford it may be otherwise, owing to its contiguity to the sea. The duties I propose are these: double the duties on all timber, except Deal, and half the duties on Deal. The reason why gentlemen should not be alarmed at this duty is, that it will not amount to a quarter of what is received in G. Britain. These duties altogether I estimate at 36,000l. The three or four next taxes will not fall on the poor. One is a tax on Horses: not on agricultural Horses, but riding Horses, and Horses that draw carriages. The duty I propose will be much smaller than what is paid in England. It will be 3s. for a single horse. The next is a tax on Dogs. It will be of consequence to the poor people of Ireland, that instead of maintaining 5 or 6 dogs, only 1 should be allowed. The Horses I estimate at 400,000l. and Dogs at 8000l. The next tax I propose is on Curricles. Why should not curricles pay the same as four-wheeled carriages, as they answer the same purpose? I propose that a curricle with 2 wheels shall be considered the same as a carriage with 4 wheels. There are another kind of carriages which do not pay duty. They are used as substitutes for chaises. I mean Gigs. Gigs are untaxed. I propose to put a small duty upon them. There is another species of carriages, called Jaunting Cars, or the Irish Vis-a-Vis. They form a great part of the luxury of those who have few other luxuries; the tax, therefore, I shall propose upon them will be very light: I shall propose 5s. a piece. The whole of these duties, I expect, will produce 10,000l. a year. With respect to the next tax I propose, I am afraid some gentlemen will be angry with me; I copy the example of England. It is well known that Bachelor's pay very little towards the revenue: I propose an addition of 15s. on every bachelor's male servant. This will produce about 4000l. The next tax I have to submit to the committee is on Paper, Hats, and Auctions. This I expect will produce 12,000l. I propose to raise 20,000l. by a tax on the Post-office. An additional duty of 1d. a letter. With regard to the post-office, I should mention, that it is in contemplation to recommend a measure for the prevention of the frequent robberies of the mails, by sending them in coaches. The best mode of carrying this into effect will be to recommend to grand juries to direct the making proper roads through which the mail coaches are to travel, and with that view to take care that surveyors are appointed to make the roads as complete as possible, and present those who neglect their duty. By this mode we shall take no money out of the public treasury, and no more than is absolutely necessary from individuals. There is another tax which I do not wish to resort to directly, but it is necessary I should mention it. I need not remind gentlemen, that in the year 1791 the hearth money duties were taken off the lower orders, and raised on the higher. Houses that had one hearth amounted to nearly 500,000. There was comparatively very few houses that had two hearths. The whole loss to the public, by taking off the tax, was 28,000l. What I wish to do is not to revive the tax, but to lay a tax on houses under Seven Windows. Where the persons inhabiting them pay 50s. a year, the tax I propose is 3s. But to guard the poor man from being called on, he must swear he is not worth 10l. or does not rent land to the amount of 5l. a year.—In order to be liable to the tax, he must pay 50s. a year for his house, or be worth 10l. or rent 5l. a year in land. I cannot think this will distress any one. Gentlemen will see that we are assimilating ourselves to England. Instead of taxing houses, according to the hearths, we exempt them till they are rated as seven Windows. This tax will bring back 21,000l. a year; but then we must deduct 6000l. for houses of five and six windows, to be exempted as in Britain; so that the sum I take credit for is 15,000l. These are, I think, the whole I have to propose, except one, which can only fall on those who are able to bear taxes. It is a tax of 25l. per cent. on all windows above seven. This I estimate at 31,000l. There is one more tax which I estimate at 17,000l. It is by an increase on Stamps and Licences. With regard to the Stamps, I mean to propose the rates of duties another day. The Licences will be those granted to Auctioneers, Brewers, and others. The tax will be not at all injurious to trade. One article only remains, and that is the Treasury Bills, which I make no provision for at present; but I shall reserve for a future day, when I think it necessary to trouble the committee. There is one other subject which I wish to mention, though I do not mean to propose it as a tax at present. It certainly must be a desirable object to both countries to facilitate the intercourse between them. If the packets between Dublin and Holyhead could be so arranged that they could sail at low water, it would be a great advantage. I think a small duty might be laid upon Cabin Passengers, which would produce about 3000l. a year; and upon that a sufficient sum might be borrowed to make the necessary alterations in the harbour. This, however, will be a subject for future consideration. The produce of the taxes which I have enumerated I estimate at 262,250l. and the sum wanted for the interest of the Loan and Sinking Fund was 255,000l. which leaves a surplus of about 7000l. I will not occupy more of the time of the committee at present, but shall be happy to give any explanation which gentlemen may require. The right hon. gent. then moved his first resolution.

Mr. *James Fitzgerald* rose, and regretted that the public accounts for Ireland, which had been moved for, were not laid before the house on an earlier day than the 5th inst.; if they had, gentlemen would be much better able to go into the present most important, and at the same time intricate subject. Before he should call the attention of the house to the particulars of the statement made by his right hon. friend, he must protest against, and even censure the habit of anticipating the revenue in Ireland, long before it was received in the treasury. Much inconvenience arose from this practice, and he believed a great deal of injury likewise resulted from it to the country.—He could not refrain from lamenting that balances to an enormous amount should be constantly left in the hands of the collectors. It was in vain, therefore, that we looked for a productive revenue, whilst this anticipation and its consequent evils afflicted the country, and interfered with the application of the taxes in the most suitable ways. He did not think that it was necessary to raise any new taxes under the present circumstances of Ireland, or that any ground of necessity had been made out for them.—From the review he had taken of the financial state of that country, however unfavourable it appeared, he thought he could satisfy the house that his proposition was well founded. His right hon. friend calculated the Revenue at 4,000,000l. the Loan at 3,500,000l. and gave credit for 800,354l. Now the whole of the sum to be raised amounting to no more than 8,464,983l. it struck him that any additional taxes were quite unnecessary; and he put it to the candour of the house whether they should be imposed. He said that the proposed taxes were unnecessary, because there remained due to the treasury of Ireland a great deal more than was sufficient for covering the deficiency, and the sums to which he alluded were the balances in the hands of the collectors, the revenues still due, and the arrears of the quit-rents, which amounted to 1,129,000l. The house would be astonished to hear, that the balances which remained last year in the hands of the collectors were no less than 500,000l. He did not reckon much, however, on the greater part of this, as he supposed a great deal of it could never be recovered, and the rest at a considerable expence. The next source which he should propose for the supply would be, the surplus of the consolidated fund taken at 264,619l. and the profit of the Irish Lottery rated at 100,000l. The postage of letters he should also reckon at 44,000l. The extraordinaries, or the expences thus termed, if well regulated, would, he was convinced, add considerably to the means of the country; he meant, by not being at all times a considerable and weighty drawback on its resources. There was one branch under the head of extraordinaries, which, he trusted, would be restricted: he meant the gain to this country, and the consequent loss to Ireland, on transmitting money to the Irish Treasury. Here the hon. gent. noticed the nature of the late loan, and the disproportioned exchange at which it was sent to Ireland. The hon. gent. also took a close view of the relative situation of both countries, and the balance of their respective debts, with a contrast of what should be the proportion of each, according to the Articles of the Union: 30,000,000 due by Ireland on the 1st of March, 1802, were in proportion to 469,800,000. due by England, as one to 15. When the debt of England was 469,800,000l. the debt of Ireland should be 62,640,000l. in order to make it equal to it in the proportion of $7\frac{1}{2}$ to one.—58,92[illegible],356l. debt of Ireland were in proportion to 484,962,632l. debt due by England, nearly as 1 to 8, and some fractions. To make the debt of Ireland equal to that of England, in the proportion of $7\frac{1}{2}$ to 1, it should be 64,555,172l. The hon. gent. proceeded at great length, and concluded with expressing a most ardent wish that the affairs of Ireland were before the house. The real condition of that country would convince gentlemen that its ability to pay its proportion of the joint expences of the empire had been totally over-rated. What the motive for this could have been he knew not, unless it proceeded from vanity, or interested motives in those who were concerned in the arrangement which brought it about. Ireland was literally a bankrupt at the time of the Union, and had been getting worse ever since; it was obvious, therefore, that Ireland could not discharge her share of the unequal contract entered into for her, and of course that England should ultimately pay all. He contended, that by borrowing so much money this year, Ireland increased the proportion of its debt compared with that of England, and of course must extend the time for equalising the burthens, which was proposed by the Act of Union. He again insisted that there would be no occasion for new taxes in that country, if the government should call in the arrears now in the hands of the collectors of the revenue, and said he was determined to give his negative to the resolution.

Mr. *Foster* replied, that he had no objection to apply the balances in the collectors' hands to the purpose mentioned by his right hon. friend who had just sat down, but the difficulty was to get it paid. Situated as both countries were at this moment, would it be wise or politic to leave the supplies, or any part of them, dependent on mere contingencies? It was impossible to make up the accounts so precisely as not to leave some of the money in the commissioners' hands. It was the practice from time immemorial to do so; and he was convinced from his own experience, that the object of his hon. friend was unattainable, and this could not therefore be taken into serious consideration as a certain fund for the exigency of the moment. His hon. friend would also apply the surplus of the Consolidated Fund in the same manner; but did he not know that the whole of that surplus was to be appropriated by Parliament to the paying off certain arrears, for which it was intended? If it were taken away, there would be no fund then for this purpose. His hon. friend likewise took credit for 2 millions, as if the money had been in the treasury. This was certainly as great an anticipation of the revenue as any which his hon. friend had charged to the government of Ireland. He hoped he would excuse him for saying, that the Public Accounts of Ireland were laid this year before Parliament much earlier than they had been ever laid before the Parliament of Ireland, on which account he should return his thanks to the officers, for having made up their accounts with such accuracy and promptitude. He paid the greatest attention to the observations of the hon. gent. but he did not hear any ground advanced which could induce him to withdraw or alter the taxes which he had the honour of proposing.

Sir *John Newport* said he could not conceive why no account had been given of the 2 millions due from G. Britain to Ireland, ever since the passing of the Act of Union. Had that resource been stated, and resorted to previously to the budget, it must surely have superseded the necessity of resorting to new taxes, to the amount of 255,000l. It was surely full time that these accounts should be settled, as the committee formerly appointed had only met two or three times, and came to no determination. He expressed very strong objections to the proposed tax upon the importation of timber, as, whatever may be the case in the county of Louth, or those parts of Ireland with which the right hon. gent. (Mr. Foster) was best acquainted, it would operate very injuriously to the comforts of all the cottagers in those parts of Ireland with which he was particularly connected, where native timber was so scarce that they were obliged to have recourse entirely to such as was imported.—Notwithstanding this necessity, he was sorry to observe that the tax upon timber was regularly augmented every year since the Union.

Mr. *Corry* said that he was happy to find, from what had fallen from the right hon. gent. (Mr. Foster), that he had altered his opinion upon a point on which they had differed last year, viz. the amount of the balances in the hands of the collectors. The right hon. gent. had stated that the cash balances in the hands of the collectors was no less than 550,000l.; and to shew that he distinctly meant cash balances, he compared them with the amount of the balance in the hands of the collectors in England, which was only 37,000l. Whereas, if he had meant the balance in charge against the Irish collectors, he would have compared it with the arrears of duties in England, which amounts to between 5 and 6 millions. The right hon. gent. now admitted that the cash balance in the hands of the collectors, instead of 550,000l. was only 130,000l. With regard to the increase of the export of linen, it was a circumstance that gave him great satisfaction; but he could not attribute that increase to the taking off the duty, because of 37 millions of yards exported from Ireland, 35 millions was imported into England, which did not pay the duty; and the quantity of Irish linen exported to foreign countries from Gr. Britain was not above one-fourth of the quantity of British linen exported; he could therefore by no means conceive that the taking off the duty was the cause of the increase which the right hon. gent. had mentioned. With respect to the great increase of the debt of Ireland last year, he begged to observe, that out of the loan of last year he had paid off 1,700,000l. of exchequer bills, of which 700,000l. were outstanding when he came into office. This sum, when added to the balance remaining in the exchequer, made a sum of 2 millions, over and above the expenditure of the year. He said he by no means wished to make any observation that could be considered as inimical to the right hon. gent.; but he thought it right to say thus much, in order to set himself right with the house, and to justify the statement he had formerly made.

Mr. *Foster* observed, that as to any political differences that existed between him and the right hon. gent. they had never weighed in his mind, and he hoped they did not in that of the right hon. gent. As to the linen, the papers when produced would speak for themselves. The balances, in fact, that remained due to the treasury was last year 500,000l. as he had stated it.

Mr. *Corry* said, that the right hon. gent. had then stated that 550,000l. in cash remained in the hands of the collectors. He admitted that some such sum was due to the treasury; but asserted that it had not been collected, and the balance of cash was only 130,000l.

Mr. *Foster* replied, that he had never meant to say that the cash actually in their hands was 500,000l.

Lord *A. Hamilton* contended, that in law, the debt of Ireland was now become an English debt; that the state of its exports and imports could give us no sanguine hopes of the increase of its resources, and that if taxes were thus multiplied, there could be no ground for entertaining any sanguine hopes that Ireland, even in time of peace, would be able to satisfy all the claims upon its regular revenue.

The *Chancellor of the Exchequer* gave notice, that in order to satisfy the House and the public upon the subject, he should tomorrow move for a committee to inquire into the state of the accounts between G. Britain and Ireland.—The first resolution was then put and agreed to.

Mr. *Foster*, observing several members about to retire, said, he hoped the gentlemen interested in the Irish 6 per cent. duties upon the imports of the retail traders, would not withdraw, as he was then about to move the resolution for continuing it.

Mr. *D. B. Daly* said, he had that day received instructions from his constituents, to oppose the measure, but he should wait for the bringing in of the bill.—The several resolutions were then agreed to, and ordered to be reported to-morrow.—Adjourned.

HOUSE OF LORDS.

Tuesday, March 14.

[MUTINY BILL.]—Previous to the 2d reading of the Mutiny bill,

The Marquis of *Buckingham* rose, and begged leave to call the attention of the House to the innovations which had been made on that bill since it was last before their lordships, particularly in those clauses by which the presidents of the regimental courts martial are required to be on oath themselves, and to administer oaths to the other members of the court, and to the witnesses to be examined. The noble marquis stated that it was not his intention, on these grounds, to oppose the 2d reading of the bill, but merely to call the attention of their lordships, and of the noble earl who forwarded the public business through this House, to the alterations which he had noticed. He had at the same time to regret, in common with the noble and learned lord on the woolsack, the disagreeable situation in which that House often felt itself placed, of either impeding the business of the nation, by interfering in bills to which, by the usage of parliament, any alteration made by them must prove fatal, or of passing bills which were grossly defective and objectionable.

Lord *Walsingham* conceived that the observations of the noble marquis were irregular and premature. He knew it was in the contemplation of the noble earl (Camdem) when he should come to move the 2d reading of the bill, to notice the alterations to which the noble marquis had alluded.

The Earl of *Camden* having moved the 2d reading of the bill, recapitulated the different alterations which it had been deemed adviseable to make on it.

The Duke of *Clarence* said, it could by no means be supposed that it was his wish, at such a period, to object to the present bill. It was his intention, however, when the bill should be proposed to be committed, to call the attention of the house to the alterations which had now for the first time been introduced. He should therefore move that the house be summoned for the day on which the bill was meant to be committed.—The bill was then ordered to be committed to-morrow, and the house to be summoned.

[STATE OF THE NAVY.]—Earl *Darnley* rose for the purpose of submitting to their lordships, agreeably to the notice he had given, a number of motions for the production of papers, necessary for instituting a comparison between the late and present Boards of Admiralty. It was not his wish, in the present stage of the proceedings, to go into a wide field of discussion; sufficient opportunities would offer for that in a more advanced stage of them. He would, at present, confine himself to reading his motions, to the greater part of which he understood no objections would be made, and to make such comments on them as he thought necessary for explaining their tendency to their lordships. There were two great points to which he wished to direct the attention of the house, and upon which he was chiefly anxious to obtain information. The first respected the deficiency of small craft; one, as their lordships might recollect, of the most serious accusations against the late naval administration; and the next applied to the practice of contracting for ships to be built in merchants' yards. With respect to the first point, he was informed, that a number of ships had been bought up for the king's service, which, in the opinion of many persons professionally qualified to decide, and also of those who were appointed to command them, were totally unfit for the particular line of service to which they were destined. All of those had been purchased at a most extravagant rate, and before the public had derived any benefit from them, it was found necessary that they should undergo ample repairs, which were effected upon terms even more extravagant than the original purchase. His lordship said, he would read his motions, and comment upon them as they occurred; the first was for "an Account of all the Ships which have been purchased for his maj.'s Navy, since 16th May, 1804, specifying from whom, their age and tonnage; the valuation put on them by the officers of the Dock-yards, the sums paid for them, the expence of fitting them as ships of war in the merchant and King's yards, and of any alterations made in them since they were first fitted." To this, he understood, no objection was likely to be offered, and therefore he would not trouble their lordships with any observations on it.—His next motion would be for "Copies of all letters and representations which have passed between the admiralty and Navy Boards, and between those boards and the commissioners or other officers of the Dock-yards, respecting these ships; also of all representations from their commanders, respecting their unfitness to perform the services of ships of war." If this last motion should be refused, as being too general, he should have no objection to omit any part of it, or to make any alteration in it that the noble viscount at the head of the admiralty should require or suggest. The letters which he was principally anxious to obtain, were those from the commanders of the Hindostan and the Hyæna, two ships which had been taken into the service. One of those he understood to be an old West Indiaman, whose back had been broken, which was reported not fit for service, and which, notwithstanding that representation, had been purchased at an expence of something above 7,000l.—His next motion would be for "An Account of the expence of arming of these ships, specifying the number, nature, and calibre of the guns, which they were reported to be capable of carrying when they were purchased, and of any alterations which have been since made." This he understood would be conceded to him. His next motion would be for "Copies of all representations which have been made by the commanders of these ships on the subject of their guns." As it was possible some objections might be urged against the granting of this, he would not, if it should be refused, persevere in pressing it.—His next motion would be for "An Account of the number of artificers and labourers, who have discharged themselves from his maj.'s Dock-yards at Deptford and Woolwich, in each month, since 1st June, 1804, specifying their several classes, age, and time of service." Neither this, nor the following, would, he believed, be refused.—"The number of shipwrights borne in all the Yards, on the 1st of March, 1805."—When those two last motions should be complied with, he had strong reasons for supposing that it would appear to the satisfaction of every noble lord who heard him, that fewer shipwrights were borne in the king's yards at the commencement of the present month, than at the corresponding period last year. His lordship here stated the number of men who had been discharged from the different yards at various times by the late Board of Admiralty, some of whom were superannuated, and others dismissed for misconduct. He contended that there were a smaller number of men employed in the king's yards on the 1st March, 1805, than on the 1st March, 1804; the number at the latter period being 9336, whereas those employed at the commencement of the present month amounted only to 3213, being 123 less than the establishment at the same period last year. His next motion would be for "A List of his maj.'s ships which have been ordered to be repaired in the merchants' yard since 1st June, 1804." He would next move for "A List of ships of war ordered to be built or contracted for from the above period, up to the present time, specifying the dates of such orders or contracts, and the rate at which such contracts have been made." If the workmen in the king's yards were properly classed, there would be no occasion to build in the merchants' yards. In the former he understood that at present a 74-gun ship could be built for 21l. per ton; whereas, if he was rightly informed, the contracts lately entered into with the merchant-builders amounted to the enormous sum of 36l. per ton. Let the house and the country contrast the difference between those expences, and then they would be enabled to form an idea of the provident management of the persons by whom the naval administration of the country was at present conducted.—He would next move for "An Account of the sums paid by the Navy Board, and to whom, for the Repair of the following Ships in the Merchants' Yards, in the years expressed against their names, viz. Boston, Maidstone, 1783; Southampton, Niger, Lizard, Pearl, 1784; Carysfort, 1785; Lowestoffe, 1786; Boston, 1791; Retribution, L'Amiable, Tartar, Success, Ariadne, 1792; Magicienne, Dedalus, Andromache, Flora, Fury, Bull-dog, 1793. The repairs of these 20 ships, he was informed, had cost 298,884l. when they might have been built in the royal yards for a sum not amounting to half that sum. His last motion would be for, "An Account of the sums for which ships of the same size and force might have been built at the same period, according to the contract prices then paid to the merchant-builders." It was not his intention to say any thing at that time upon the comparative merits of the late and present naval administrations. He meant nothing personal to the noble lord at the head of that department; his object was to institute an enquiry, the result of which he thought would be beneficial to the country, into one of the most important parts of its expenditure. However, he could not avoid observing, that he thought the noble earl near him (St. Vincent) who was lately at the head of that department, was particularly qualified, from his professional knowledge, to discover the abuses which were practised in it. When he was first placed at the head of that board, he set about enquiring into those abuses with an honest and ardent zeal, and having discovered that the most enormous abuses were committed in it, he set about, with a resolution as laudable, the correction and the future prevention of them. For that purpose he proposed the appointment of a commission which had already rendered the most important services to the country, and for the dissolution of which he could discover no one sufficient motive, unless the strange determination should have been adopted of perpetuating those abuses, which it had so industriously developed, and the possible recurrence of which it had suggested the means of preventing. The country, however, which was sensible of the services of the Commissioners of Naval Enquiry, would not suffer itself to be deprived of the advantages of those discoveries and improvements which they had made and suggested; they would not, in so important a branch of their defence and expenditure as the naval department, forego the benefits that might be expected, from a more correct and economical administration of the immense sums that were so freely contributed for maintaining it. He would trespass no longer upon their lordships' time, but move the first resolution.

Lord *Melville* said, he had no objection to the motion made by the noble lord. It would not be necessary for him to trouble their lordships at much length upon the present occasion; whatever he had to say would come more regularly when the papers, which it was the object of the noble lord's motion to obtain, should be made the foundation of some specific resolutions. He would not shrink from the discussion. There was one point, however, upon which he would, even at the present stage of the proceedings, declare himself. If there were any blame applicable to the repairing of ships in the merchant's yards, that blame, he begged it to be understood, he would distinctly take upon himself. He would acknowledge, that he had advised and recommended that the king's ships should be repaired in the merchants' yards; and for this reason, because he thought in the state in which our navy was, it could not be kept up without having resort to the facilities for repairing it, afforded by the merchants' yards. Upon the propriety of that measure, he challenged discussion, and would be happy to meet the noble lord when the subject should be fairly brought before the house. As to the calculations with which the house had been entertained, it would be premature in him to discuss them then; when they should be regularly before their lordships, he would have an opportunity of inquiring into them, and making deductions from them by no means favourable to the conclusions drawn by the noble lord. If he were to be denominated a culprit, because he had contracted for the building of ships in the private yards, he would only say, that he had offended in common with almost every board of admiralty, except the last, that had ever existed in the country. The principle upon which they did so was one of the most powerful, it was one of strong necessity. It would not be possible to keep up the navy of this country in time of war, to maintain it with that formidable and commanding aspect which it ought to preserve, without having recourse to building in the merchants' yards. It was possible, that some new system might have been established, some notable discovery, superceding the wisdom of all former admiralty boards, might have been made, but neither he, nor those with whom he had acted, thought that the honour, the advantage, or the security of the country would be consulted by a rash departure from the system which had been so long and so beneficially acted upon. He would, at the same time, frankly acknowledge, that he did not think that the merchants' yards were to be built in out of choice; they were employed from necessity in time of war, because the royal yards were not sufficient to meet the exigencies of the service. Whenever the comparative expence of building in the king's and the merchants' yards should fairly become the subject of consideration, he would not decline entering upon the comparison. As to what the noble lord had advanced respecting the increase of the price in building ships of war; and the inferences to the disadvantage of the present naval administration, which he supposed he meant to draw from the comparative rates of prices he had moved for, he would ask, was there one of their lordships who could expect to build a house now for the same sum it would have cost 50 or even 20 years ago? The noble lord, he understood, meant to bring forward the question, and it was to be the principal object of his motion on another day, whether it would be advisable to continue or abandon entirely the practice of building in private yards. That would be a fair mode of bringing it to issue, and one upon which he would have no reluctance to meet the noble lord. For the services in his professional capacity of the noble person in his eye (earl St. Vincent) he had all the respect they deserved; but it was not new in the history of this country that, under the administration of naval lords, the navy had more than once been in danger of mouldering, and had well nigh gone to pieces. He had only to call the attention of their lordships to the naval administration of lord Sandwich, a person regularly bred to the profession, and yet, with the exception of one, the navy fell more into decay under the management of that board, of which he had been at the head, than when it was presided by persons, neither whose habits nor education were professional. When, he would ask, had the navy been most flourishing? was it not at those periods when it had been superintended by a noble earl in his eye (Spencer), and another noble earl (Chatham) whom he did not see in his place? Under whose management of the naval department, were the victories of earl Howe, earl St. Vincent, lord Duncan, and lord Nelson, gained? He had no objection that as full an enquiry as possible should be instituted into the conduct of the late and present admiralty boards, but he did not intend that the question should be decided upon the documents moved for by the noble lord. He would also bring forward some documents, tending to illustrate the former invariable practice of the board of admiralty, upon most of the points touched on by the noble lord. It was not his intention to object to any of the material documents moved for by the noble lord; there were, however, some of the papers which he did not think would be prudent to have produced. He would, therefore, wish that part of the second Resolution beginning at the words "also of all representations," to the conclusion, should be omitted, and that the whole of the 4th resolution should be expunged. He did not think, being copies of letters from commanders of ships, that they were extremely important in the consideration of the great question it was the object of the noble lord to bring forward. He was aware that officers, as it had been observed, were often in love with their ships; but the progress of the passion here was different from what obtained in all other cases; it was seldom very warm at the beginning. At the commencement of a Spanish war, for instance, an enterprising officer would wish for a better sailer than the ship in which it had been thought proper by his superiors to place him. However, if the noble lord could produce letters complaining of the sailing of ships constructed in the merchants' yards, he could assure him that he could produce as many complaining of the sailing of ships constructed in the king's yards. As to the observations of officers respecting the fitness of ships for the service, they were, in his opinion, some of the worst criterions to judge by. If vessels were objected to, let them be surveyed by proper persons, and let not the capricious dislike of an officer be urged as an argument against either taking into or continuing a ship in the service. He did not see the necessity of making out the long list the noble lord moved for of ships, some of which were built when lord Keppel was at the head of the admiralty. He had no objection to concede to all the motions of the noble lord, except the latter part of the second, and the whole of the fourth.—The motions were then put, with the necessary exceptions, and granted.—Adjourned.

HOUSE OF COMMONS.

Thursday, March 14.

[Minutes.] A message from the lords announced, that they had agreed to the Pleasure Horse duty, and some private bills. Mr. J. Fitzgerald moved, that there be laid before the house, an account of the charges outstanding on the surplus of the consolidated fund of Ireland, and of the sums paid thereon, up to the 5th Jan. 1805. He also moved for an account of the sums of money advanced by the commissioners of the navy in Ireland; the amount of the unfunded debt of the navy; a return of the balances of arrears, specifying the times of payment of the same; and a return of the payments stated to be due, but not payable, till after the 5th Jan. 1805; all of which were agreed to.

[Irish County Elections.] Colonel *Bagwell* called the attention of the house to the subject of which he had given notice. It was for leave to bring in a bill to amend an act of the 35th of his majesty for regulating the election of persons to serve in parliament, so far as relates to freeholds of 20l. a year in Ireland. He declined entering into the detail. The object was to regulate the mode in which the freeholder was to obtain his certificate by which he was entitled to vote at an election for the county; a subject liable to great and enormous abuses, according to the present practice. Having stated the outline of his plan, he concluded with moving, "that leave be given to bring in a bill to amend the said act, so far as relates to freeholds under the value of 20l.—Agreed to.

[KNARESBOROUGH ELECTION.]—Lord *W. Russell* moved the order of the day, for taking into consideration the special report of the committee of the late election for the borough of Knaresborough, which being read, he moved, that the house do concur in the first resolution. He said there was no occasion for his making any comments upon facts, which were sufficiently proved in the evidence before the committee, and since submitted to the house. Upon mature consideration, it was his opinion, and that of the committee, that, as the delinquents had not been parties before them, and consequently had not been heard in their own defence, instead of bringing them to the bar of the house, and hearing the whole of the evidence *de novo*, it would be much more desirable to move, as he then did, "that the following delinquents, viz. J. M. Allen, R. Dewes, T. Abbott, W. Whitehead, Anne Howeton, W. Allison, and S. Henlock, be prosecuted by the Attorney General."

Mr. *Rose* expressed his perfect satisfaction in this procedure, and the more so, as, if the allegations against one of the delinquents, J. M. Allen, an attorney, were true, the noble lord who presided in the court of king's bench had the power to strike him off the rolls; for though country attorneys had the means of rendering themselves useful and respectable, they were often the pests of the neighbourhood in which they lived.

The *Master of the Rolls* said, that though he was not forward in countenancing prosecutions on the part of the attorney general by order of that house, yet he must approve of the present, as the tumult did not appear to be accidental, but of a premeditated and studied nature. He, however, should like to know whether any other prosecution had been commenced against these parties?—The several motions were then agreed to.—Adjourned.

HOUSE OF LORDS.

Friday, March 15.

[CONDUCT OF JUDGE FOX.]—Lord *Auckland* called the attention of their lordships to a topic which he conceived to be of very serious and weighty importance, and relative to which something decisive ought to take place before the end of the session. The noble lord seemed to refer to cases of a similar nature with that now pending with respect to the proceedings in the instance of Judge Fox. With a reference to the principle he had in contemplation, he acquainted their lordships, that he should, on Tuesday next, bring forward three propositions for the consideration of the house, in the shape of motions, nearly to the following effect: 1st. That a committee be appointed to search for precedents of cases of a member of that house bringing forward, in his place, accusations or charges against an individual, either upon his own authority, upon hearing, or upon the authority or information of others, &c. 2d. For an inquiry into precedents of the modes of proceeding adopted in that house in cases of charges made against individuals, otherwise than matters of record, or by petitions presented to that house; and, 3d. For an examination into precedents respecting complaints exhibited against any of his majesty's judges previous to the act of W. III. &c.—His lordship then moved, that the lords be summoned for Tuesday next.

Lord *Grenville* expressed his opinion, that a question arising out of the intended motion first described by the noble lord, should be referred to the consideration of the twelve judges.

Lord *Auckland* replied, that a question of the kind had been nearly decided in a case that occurred in the year 1663.—The question being put, the lords were ordered to be summoned for Tuesday next.

[MUTINY BILL.]—The order of the day being read, for the commitment of this bill, the different clauses and provisions of the bill were agreed to by the committee, until that which contains the provisions for compelling the administration of oaths to witnesses, on regimental courts martial, was arrived at; when

The Marquis of *Buckingham* rose and expressed his disapprobation of that part of the clause, as well in point of policy, as in the view of military regulation. He thought the old and uniform practice, with respect to regimental courts martial, should be continued. In the course of his long experience, he had never heard a single complaint made, or one objection urged against it. The soldiers very seldom appealed from the decision of the regimental to the general courts martial; and, in the few instances where appeals were made, the sentences of the regimental courts martial were not only confirmed by the superior court, but the punishment greatly increased; and he never knew an instance of their decisions being reversed, or any kind of slur or stigma thrown upon them by the general courts. He entertained another objection to the clause; no provision was made for the attendance of a proper person or officer upon these courts martial, where the evidence was now proposed to be taken upon oath, to take an account of the testimony so given. He alluded to a person empowered as the deputy judge advocates, to take an account of the proceedings, and to transmit them to the proper officer; such a regulation was the more called for, as the witnesses were liable to the pains and penalties of perjury, and without it accusations of that kind must be made from the loose and vague recollections of the persons present. He objected to the proposed arrangement, on grounds of wisdom and policy. The course hitherto pursued ought not to be departed from; but if the new regulation was deemed an improvement, such a precaution as he had suggested ought at least to be adopted. He assured their lordships he came forward on the present occasion, merely from a sense of duty, and from his zeal for the well-being of the army, and the general good of the service. Constituted as the clause then was, he must oppose it.

Earl *Camden*, in general terms, defended the clause as it then stood in the bill. He conceived the provision by no means liable to the objections entertained by the noble marquis. He thought it would add a degree of solemnity to the proceedings at such courts martial, and obviously give a greater security for the correctness of the testimony given by witnesses.

The Duke of *Cumberland* expressed his coincidence in the opinions of the noble marquis, on the present occasion; and, after what had fallen from him, a few words from himself would suffice. First, he should observe, that, in the course of his own experience, and as the result of his inquiries from able and intelligent officers, he never heard a single objection to the long-established mode observed in regimental courts martial; then why adopt a measure which must induce the belief, that the former practice was complained of? Secondly, he objected to the alteration, as more likely to tend to an increased severity, instead of a more lenient system; inasmuch as the discretionary power of the members of such courts martial, who were generally inclined, whenever it could be done with the least regard to propriety, to a lenient mode of proceeding, would be the more shackled, in consequence of the proposed alteration.

Lord *Hawkesbury* agreed with what was stated by the noble marquis and the royal duke, with respect to the general conduct of regimental courts martial. He had every reason to believe, that, as much of what was correct, humane, fair, and honourable, prevailed in these tribunals, as in any other whatever. He was free to admit, no absolute necessity existed for the alteration; yet he felt it would involve such advantages, as should induce its adoption. He referred principally to the check and controul it would establish as to improper evidence on the part of persons not military; with many of whom, an unfounded degree of prejudice and clamour obtained, with respect to the character and profession of a soldier. It established some degree of security as to evidence of that kind, and would give an air of proper solemnity to the whole of the proceedings in regimental courts martial.

The Duke of *Clarence* observed, he agreed with every thing that had fallen from a very near relation of his, as to the clause in question. He cordially agreed with the sentiments of the noble marquis, in the present instance, particularly in the propriety of appointing a superintending officer to attend at the regimental courts martial, for the purposes mentioned, and he seemed to think the paymaster would be a proper person for the purpose. Though he highly respected every thing that fell from the noble secretary of state, yet, in the case before them, he disagreed with him in every thing he observed, save one point, which was, that no necessity existed for the proposed alteration; and he appealed to the reverend bench, whether, as christian prelates, they could approve a measure, tending to the multiplication of oaths?

Lord *Mulgrave* defended the clause at some length, and with much ability. He differed from a royal duke, for whose character and opinions he had the most profound respect, in his idea, that the alteration would tend to a system of increased severity; on the contrary, he thought, by providing additional securities for the correctness of the proceedings, it must have an opposite effect. With regard to the appeal made by another illustrious personage, to the rev. bench, if it went for any thing, it involved an application to the bishops to bring in a bill to abolish the administration of oaths in general. Upon the whole, thinking the system of regimental courts martial would be every way ameliorated by the clause, he felt it his duty to support it.—The question being put their lordships divided, when there appeared for the clause 22, against it 13, majority 9. The bill being gone through without any amendment, the house was resumed, and the report of the bill forthwith received.—Adjourned.

HOUSE OF COMMONS.

Friday, March 15.

[War in India.]—Mr. *Francis.* Before I proceed to the notice which I propose to give this day, I beg leave to ask the noble lord on the other side a question for information, very fit to be given to the house, and materially connected with the subject which I mean to bring under their consideration. By the papers on the table it appears that the war now or lately carried on in India against Holcar, was declared by lord Wellesly so long ago as the 16th of April, 1804, and I presume must have been in his contemplation some time before that date. This we know indirectly through the government of Bombay. My question is, whether at this day the Court of Directors or the Select Committee have received any direct communication from lord Wellesley of the origin and the motives of this war?

Lord *Castlereagh.*—My answer to the question put to me by the hon. gent. is that, at this day, no advices have been received directly from lord Wellesley, concerning the origin and the motives of the war with Holcar.

Mr. *Francis.*—The fact of itself deserves the attention of the house; since nothing can be more precise and peremptory than the injunction of the law, by which the Governor General and Council are ordered, in all cases where hostilities shall be commenced, to communicate the same to the Directors, by the most expeditious means they can devise, with a full state of the information and intelligence upon which they shall have commenced such hostilities, and their motives and reasons for the same at large. I now, sir, beg leave to give notice that it is my intention, with permission of the house, to bring under their consideration a general view of the state of the British dominion in India, and to make a motion thereupon, as early in the week after next as may stand with the convenience of the house. Sir, it would be desirable for any man, who wishes to bring into view a question of great extent and consequence, and for me more than any other, that his audience should be in some degree possessed of the general nature of the subject. I cannot hope, though I very much desire it, that many gentlemen will have taken the trouble to examine attentively the whole of these voluminous papers relative to the late and present war with the Mahrattas. To save them some trouble, and perhaps to invite them to read more and to enter farther into the inquiry, there are a few principle documents which I think will give a general insight into the subject, and engage them to proceed, and which I therefore beg leave to recommend to their attention. The instructions to colonel Collins; the instructions to colonel Close; the treaty of Bassein, from which, as it appears to me, the war may be dated; and, finally, the map of India annexed to the papers.

Lord *Castlereagh.*—The notice given by the hon. gent. is so general and undefined, that I am at a loss to conjecture what the objects are which he has in his view, and to which I should of course wish to turn my own thoughts. I therefore hope and request that the hon. gent. will state more distinctly the points to which his intended motion is directed, or at least the particular subjects which he means to discuss.

Mr. Francis made no reply.

[Salt Duty Bill.]—Mr. *Fox* wished to state to his majesty's ministers the substance of a communication which he received by a letter from Yorkshire. It observed, that by the last Salt Duty bill there was a severe penalty laid on all retail shopkeepers who should sell at any thing lower than the standard price, and the same penalty was exacted in that now in its progress. When the present bill was brought in, an officer was sent down to Rotherham, and the places adjoining, to announce the new duty, and take an account of the stock in hand. In consequence of this, the salt manufacturers ceased to sell; but the retail shopkeers continued to sell at four-pence halfpenny a quart, as before, for which informations were laid against them to recover the penalties. He wished to know whether these proceedings took place by the authority of government?

The *Chancellor of the Exchequer* replied, that the sending down of the officer was certainly premature, and that it would be unreasonable to inflict any penalties upon the shopkeepers.

[Report of the Irish Budget.]—Mr. *Foster* moved the order of the day for bringing up the report of the committee of ways and means of Ireland.

Mr. *J. Fitzgerald* opposed the bringing up of the report. He contended, that the loan was made to a larger amount than was necessary, and that if it were even necessary, the interest of it might be defrayed without having recourse to any new taxes. The revenue of Ireland was only taken at 4 millions; though every body knew that it would be considerably more. In the last year, the right hon. gent. (Mr. Foster) imposed additional taxes of 1,150,000l. by way of regulation, and 76,000l. to defray the expences of a direct loan; and he now stated, that there was out of last year's revenue a surplus of 843,000l. but that it must remain locked up in the Irish treasury until the proportion of Ireland to the joint expences of the empire should be paid. Upon this practice of retaining the surplus of the consolidated fund since the union, it would follow, that there must be now a total surplus of about 4 millions applicable to the expences of the year. This was a mode of proceeding very disadvantageous to Ireland. He sacrificed much by opposing the union; but now that it was effected, he considered the two countries as one, and thought they should be treated equally. The sums returned of duties due, but not immediately payable, were to the amount of 636,346l. which either were or ought to be now in the treasury of Ireland. This, as well as the balances in the hands of the collectors, ought to be a productive fund, and if it was not, he must call upon those who promised Ireland so much benefit from the union to put an end to this system of patronage and influence. It was allowed on all hands, to be a very great grievance to that country, and yet, notwithstanding so many complaints, the government had not removed any one of these collectors, though in a man's private concerns he would not allow an agent to pay himself, and also retain an eighth part of his receipts, unless, on the assurance that the balance was quite safe.—He had a right, therefore, to take it for granted, that this was a solvent and sufficient answer, for which reason he should bring it into the amount of the year. He would even venture to ask the right hon. gent. whether he had reason to think that a remission was given of any of these balances? and if he wanted a clue, he would refer to the memorable failure in 1800. These balances were so enormous a grievance, that as long as he had a seat in that house, he should bring the subject annually under the consideration of Parliament. Were these sums available, they would have superseded the necessity of a loan in this country of 2½ millions for Ireland, and it would be easy to recede from the plan of borrowing another million, and to issue government paper in the room of it. Even the four millions revenue promised, must be more uncertain under this system, as it must come through the hands of the same bankrupt collectors, who were already so very much in arrear. To prove the hardships Ireland laboured under, he contended, that one of its greatest difficulties arose from the debt it contracted in the year 1800, for the purpose of purchasing the representations of boroughs necessary to be disfranchised for the purposes of the union.—He did not see why this should fall exclusively on Ireland, or why England, which benefitted by the union, should not pay a part of the expences of it. On these and various other grounds, he maintained that his country expected from the right hon. gent. that he would resist new taxes in Ireland, while there was a considerable balance due to it from England, which had the means of payment.

Mr. *Dawson* said, the hon. gent. who spoke last had anticipated much of what he had intended to state. He confessed, that some of the taxes proposed appeared to him unexceptionable, though there were many of the articles upon which he wished all taxes to be abolished in that country. Though he had no objection whatever to the duty proposed on raisins, pepper, and coffee, yet he had every objection to an encreased duty on timber. Instead of being, as stated, a protection to the growing plantations in Ireland, it would encourage the cutting down of what little timber there was, and leave the cottages of the miserable peasantry perfectly unroofed. The present plantations being only in their infancy, would not be available in less than half a century, and, to depend upon them for immediate purposes, would be as absurd as that of a man, who, being advised to drink cyder, should set about planting an orchard. He also reprobated the tax upon horses, and he could not well discriminate between horses for pleasure and horses for use, as they were both so generally united; but what he deprecated most was, the precedent which might induce some future chancellor of the exchequer to extend the tax to horses used in agriculture. He touched upon all the articles in the catalogue of taxes, and dwelt principally on the Postage Duty, to which he would, however, make no objection, in consequence of the assurance given by the right hon. gent. that the posts would be protected, and he also hoped that the revenue of it would be collected with more regularity and economy, instead of costing the country, as it did now, an expence of 1l. 16s. per cent. While these subjects were under consideration, he hoped some attention would be paid to the districts of houses in Ireland, and for the distillery of that pernicious spirit called whiskey, which, though under excise, did not produce a shilling to the exchequer, while posts of smugglers were stationed through all parts of the country. To prevent these smuggling abuses, he hoped measures would be taken for establishing maritime turnpike gates, between the ports of Dublin, Waterford, and Donaghadee, and a more direct communication opened between the coast of Carnarvon and Ireland.

Sir *J. Newport* thought that the schedule, comprising such a multitude of merchandise, should have been submitted to the inspection of mercantile men, as it was impossible for any member of that house to be so good a judge of the local effect such taxes may have in different places, as the parties more immediately concerned. In referring to that schedule, he found the duties on spermaceti candles, copper, tar, &c. raised to seven times their former duties, while rattans, walking sticks, and other inferior articles, experienced a diminution. As to timber, he said the last duty had diminished the consumption so much, since the union, that the revenue on them was 11,000l. The present tax, he thought, would reduce the consumption so much, that the duty would not pay the expence of the collection, and would render the cottages uninhabitable. The want of domestic comforts at home frequently encouraged the inhabitants of the country to idleness and riotous conduct at home. In the south of Ireland, the want of timber was a most grievous hardship, as in the county of Tipperary there were farms to the extent of sometimes 2 miles, without a hedge or bush to be seen upon them. He complained greatly of the want of security to the mails in Ireland, which were sometimes robbed in the middle of the day by a single man, only armed with a stick. The effect of this was that the letters from Waterford to Clonmell were obliged to be sent by special messengers, as none but boys are employed by the post-office. At the general post-office the letters were thrown by carelessly and promiscuously, and accessible to any one who should think proper to call for them. When the letters were sent out, it was usual for the postman to go home first to dinner, and then leave the letters behind him, while he went to a public house; so that if the expectant merchant went to the man's residence, he found the letters lying there totally unprotected; and the bills and notes were very generally either lost or embezzled. The costs of the accountants now were at their own discretion, liable to no check whatever, as there was no person to check them; and such he complained was the case in all the public boards and offices in Ireland.

Mr. *Hawthorne* said, that the balances of the collectors, though stated at 1,200,000l. were actually no more than 130,000l. as the duties were not yet paid, which were to produce the remainder. As to the general state of the country, he said, that so far from Ireland's being unfairly dealt with, the expences of the army, and works necessary for its defence, amounted to a much greater sum than the whole of its proportion to the joint expence of the empire; so that its taxes must have been much greater only for the union. To prove this, he referred to the accounts, which would shew, that the proportion of its debt accumulated more in the four years before the union, than in the four years since it had been carried into effect.

Mr. *Foster* said, he deemed it unnecessary to go into a detail of all the branches of the taxes alluded to. The appropriation of the produce of the sinking fund in Ireland was to pay the expences of the loan, the ratio of its separate expences, and paying the usual sum towards the sinking fund. If then there were arrears of money, there were also arrears of charges, and it was necessary to leave balances in the hands of the collectors to prepare for any contingency, and not be unprepared for any thing that may happen in case of any attempt on the part of the enemy. In fact, if these funds were taken away, there would be a necessity for other supplies to defray the coming charges, and if any part remained undisposed of, it would come in aid of the supplies of the ensuing year. He owned, indeed, that the balances remaining with the collectors were very great, in spite of all the exertions he had made to prevent it; but such had been long the practice in Ireland, and old habits could not speedily be got rid of. In respect to the duty on timber, he was glad the objections were stated, as this tax was mostly confined to deal board and staves; and all timber used in the butter and provision trade were totally exempted. The new duty, which was no more than 4s. 6d. on 72 cubic feet of timber of the value of 6l. would be scarcely felt by any one, for when, in consequence of the war, the price of the same quantity of timber rose from 3l. to 6l. the buildings continued without any diminution. In regard to the horse tax, also, gentlemen would find the exemptions were extended to all horses which carried or brought home a load; to all those used by clergymen, physicians, &c.; to those on which farmers rode to places of worship, to markets, or to the quarter sessions. He admitted that the conveyance of the mails was very insecure, and would remain so, unless, for the convenience of the public, and the safety of letters, the Post-office was enabled to employ other messengers than boys, who loitered on the way, and were exposed to robberies. To shew what uncertain couriers these were, he mentioned an instance of a gentleman who met one of these post-boys playing on the road, and the bag of letters lying by him. When the gentleman asked him how he could be so careless and dilatory? the boy replied, "Oh, please your honour, that is not the *mail*, it is only an *express*." In proportion to the frequency of robberies, he said, in the same proportion must be the number of prosecutions, which rendered the expence of the collection something more than 100l. per cent.—The first resolution was then read and agreed to. On reading the second resolution, for the 6 per cent. duties,

Mr. *May* rose, and said, he had presented a petition against these duties, from the inhabitants of Belfast, and he begged the patience of the house till he stated a few observations in support of the petition of his constituents. They had not, he said, desired him to present it, from any wish to exempt themselves from the payments of taxes in general, but from a wish to have taxes imposed in such a manner, as to bear equally on all descriptions of persons. This tax was not so constituted, but bore entirely, and with peculiar hardship, on the retail importer, while the wholesale importer was altogether exempt from it. It therefore affected greatly the commercial industry of the country, and, as such, he hoped the right hon. gent. would agree to relinquish it.

Mr. *J. Latouche* opposed the tax, as a tax upon the industry of retailers, who, if it was not for this duty, could, by united speculations, become themselves wealthy merchants in the course of time.

Mr. *Ker* stated that the tax was not only unjust, but it was almost unproductive, and should on every account be abandoned.

Sir *C. Price* considered this duty as a check to the progress of commerce, by discouraging the activity of men of small capitals, and particularly injurious to the commerce between this country and Ireland.

Sir *G. Hill* contended that the tax would prove of singular detriment to Ireland. He felt the impolicy of a tax on the retail dealers, and believed that it would undermine the internal trade of the Irish.

Sir *J. Newport* thought it only tended to produce and encourage manifold, manifest, and absolute frauds.

Mr. *Fox* wished that, as the tax would bear particularly hard on the retail trader, it might be abandoned.

Mr. *Foster* said that the tax had existed since the days of Cha. II. The operation of the tax was confined to tobacco, tea, and brandy. He was not for speculative opinions respecting taxes during a period of war. He would not think of giving up this tax, while he adhered to that on timber. He was grateful to the merchants of London for their advice to the merchants of Ireland; and hoped that the former would not decline taking that of the latter, on such questions as might tend to the general advantage of the two countries. The wholesale dealers had purchased the tax by sacrifices at the time it was first laid on; and the wholesale dealer had now a right to have his interests properly guarded.

Mr. *Corry* was unfriendly to the tax. Three sessions ago, he had proposed the repeal of the tax. Yet, from good dispositions towards the right hon. gent. (Mr. Foster), he had discouraged his own constituents from sending to him petitions against it, because he did not wish to cast obstacles in the way of the right hon. gent. in devising the taxes. He was not for taxing the patient retail dealer, tugging at the oar of industry, and catching every fleeting breeze to make his little bark gain in safety the haven of his hopes. Had ever such a tax prevailed in England? There ought to be a similarity of situation and regulation with regard to the trade of every quarter of the empire. The union was founded on a principle of equality, and of similarity of situation; and of this the assimilation of the currency of the two countries furnished some proof.

Mr. *Hawthorne* could not assent to the motion. The tax was a bad one in every view of its operation and tendency.

Mr. *Princep* entered his solemn protest against a tax notoriously bearing on the industry of the individual, so as to lead to his ruin.—The question being called for, the house divided: for the 6 per cent. impost duty 107, against it 44, majority 63.—The other resolutions were then read, and agreed to.

[Legacy Duty Bill.]—The *Chancellor of the Exchequer* moved the order of the day for going into a committee on the Legacy Duty bill. As he had learned since he came into the house, that some difference of opinion existed respecting this measure, he should only observe then, that there were other stages in which it might be discussed.

Mr. *Fox* stated that there would be a considerable difference of opinion relative to that part of it which imposes a duty only on legacies to children. However, as there would be other stages for discussing it, he should forbear for the present from any opposition, reserving that for the report.

The *Chancellor of the Exchequer* had not heard any thing to induce him to alter his opinion, or to give up what would be the most material part of the tax, amounting to 200,000l. He was ready to pay every attention to any observation on the subject.—The bill then passed through the committee, and the report was ordered to be received on Tuesday.—Adjourned.

HOUSE OF LORDS.

Saturday, March 16.

[Minutes.]—The Salt Duty bill, the Property Duty bill, and the Mutiny bill, were read a 3d time and passed, and a message sent to the commons to acquaint them therewith.—Adjourned.

HOUSE OF COMMONS.

Saturday, March 16.

[Minutes.]—Mr. Alexander brought up the report of the committee of supply respecting the sums voted in pursuance of addresses of the house, and sums issued by his majesty to different persons, and the several resolutions were agreed to.—A message from the lords informed the house, that their lordships had agreed to the Property Duty bill, Salt Duty bill, Mutiny bill, and several private bills, without any amendments.—Mr. Foster brought up the Irish Export and Import Duty bill, Inland Duty bill, Stamp Duty bill, Postage Duty bill, and Malt and Spirit Duty bill, which were severally read a first time.—Mr. W. Dickinson brought up an account of the rates of exchange of the bills drawn by admiral Blanket and sir H. Popham, during their stations in the Red Sea. Ordered to lie on the table and to be printed.—The report of the Royal Marine Mutiny bill was brought up and agreed to.—The Sugar Drawback bill was committed.—The Exchequer Bills bill, and Expiring Laws bill, were read a 2d time.—Adjourned.

HOUSE OF LORDS.

Monday, March 18.

[Minutes.]—The Royal Assent was given by commission to the Pleasure Horse Duty bill, the Salt Duty bill, the Property Tax bill, the Mutiny bill, and 3 private bills.—Mr. Dickinson, jun. brought up the Royal Marine Mutiny bill, and two private bills, which were severally read a first time.—Lord Melville, pursuant to his intimation on a former evening, presented a great number of naval documents. These, after some conversation between lord Darnley and the noble viscount, were ordered to lie on the table.—The duke of Clarence intimated his intention to move for the production of further documents to-morrow, for which day it was understood their lordships were summoned.—Mr. Parnell, from the Irish treasury, presented an account of the sums remitted from England to Ireland, during the year ending the 1st of last month.—Adjourned.

HOUSE OF COMMONS.

Monday, March 18.

[Minutes.]—The Speaker informed the house that he had been in the house of peers, where the royal assent was given by Commission to the Pleasure Horse Duty bill, to the Salt Duty bill, and to the Property Tax Amendment bill.—On the motion of Mr. W. Dickinson, an amendment was inserted in the Marine Mutiny bill, empowering provisional courts martial to administer oaths. The bill was then read a third time and passed.—Mr. Johnstone from the office of chief secretary of Ireland, presented Returns of all Compensations for Boroughs, &c. which were ordered to be printed.—Mr. Francis gave notice of his motion relative to India for Monday next, but on the suggestion of lord Castlereagh, deferred it till Monday se'nnight.—Mr. Rose presented Minutes of the privy council with respect to licences for exporting goods to France and Spain.—Mr. Foster moved the 2nd reading of the Irish Drawback bill. After a few words from Mr. Dawson, Mr. Ker, and Mr. Corry, the bill was read a 2nd time; as were likewise the Irish Excise Duty bill, the Irish Stamp Duty bill, the Irish Postage Duty bill, and the Irish Spirit Duty bill.—On the motion of Mr. Steele, a new writ was ordered for Bath in the room of lord John Thynne, who had rendered his election void, not having duly qualified himself by taking the oaths, &c.—Mr. Steele obtained leave to bring in a bill to indemnify lord John Thynne for having sat and voted in the house, without having previously qualified himself. The bill was accordingly brought in, read a first time, and ordered to be read a 2nd time to-morrow.—The Chancellor of the Exchequer moved, that a committee be appointed to examine and report the joint charges of the United Kingdom of G. Britain and Ireland, from 1st of Jan. 1801, to 1st of Jan. 1805; what proportion belonged to each country respectively; what are the balances now due; and what would be the best mode in future of ascertaining such balances at the expiration of each year. The motion was agreed to, and a committee appointed for those purposes.—The Chancellor of the Exchequer gave notice, that in the committee of ways and means on Friday next, he should move for certain taxes, to supply the place of the rejected Agricultural Horse tax. He likewise gave notice, that he should move for rendering permanent the present temporary tax on wine.—Mr. Alexander brought up the reports of the committees on the Irish Sugar Drawback, and on the Expiring laws, which were agreed to, and bills ordered accordingly.—Mr. Alexander brought up the Report of the Committee on the Irish Drawback bill, which was agreed to.—Mr. Huskisson obtained leave to bring in a bill to repeal that part of an act of last session which prohibited the issuing of Promissory Notes on demand, under the value of 5l.—Adjourned.

HOUSE OF LORDS.

Tuesday, March 19.

[Roman Catholics of Ireland.]—Lord *Grenville* acquainted their lordships, that he should have, on Monday next, to present a Petition to the house, on the part of his majesty's Roman Catholic subjects in Ireland. He was aware that it was not usual to give notices relative to the presentation of petitions; but that mentioned by him was upon a subject of so grave, weighty, and important a nature, that he had taken the liberty previously to mention it. The proceeding was not, he thought, likely to induce any discussion, nor did he mean to say any thing then upon it; but, should any further motion or proposition be intended to be brought forward upon the subject, due notice would be given of such intention.

[Conduct of Judge Fox.]—Lord *Auckland* adverted to the motions which he intended to make, namely, for a committee to search for precedents of proceedings in that house against individuals, upon complaints made by peers upon their own statements, founded upon information derived from others, and to consider how far it was consonant with law for proceedings to be instituted in that house against individuals otherwise than upon petition or matter of record, in support of which motions, his lordship argued at considerable length. The mode of proceeding hitherto adopted was one which he highly disapproved in other points of view, beside those of its being productive to the parties of great expence, delay, and vexation. It would be necessary, in some degree, to tread back the steps they had taken; but did it appear to be consistent with the honour, the dignity, and, above all, the correctness of their lordships' proceedings, he thought there could be no hesitation to do so. What he had to propose for the adoption of their lordships would be resolved into various propositions: the first was, for the appointment of a committee to search for precedents of cases of any charge brought forward of high crimes and misdemeanors against any individual by a peer of the realm, upon his own personal statement of facts, &c.; and how far it is consistent with any law or statute, or usage of parliament, that house can proceed upon matters so originated, unless upon matter of record, or by petition, or entertained as matter of privilege. Secondly, that such committee should search for precedents of any such charges being made against any of his majesty's judges, previous to the Act of W. III. Also to enquire into proceedings adopted on the ground of petitions, alledging charges of high crime and misdemeanour; and also whether charges preferred against any person proceeding from individual assertion, can be, under the operation of the statute of H. IV. regularly or legally entertained or acted upon in that house? In considering the general subject, their lordships would have to consider what change has really been made in the situation of the judges, by the acts applying to them; and, with respect to the particular case before them, whether, with reference to the acts he alluded to, such a charge could, regularly and properly, be made in that house? In arguing against the correctness and propriety of the proceedings which had hitherto taken place, his lordship made frequent references to the provisions of the Act of H. IV. and adverted to several cases which had obtained, of charges being made, and of the line of proceeding adopted upon them, which, he contended, bore him out in saying, that such proceedings could not, properly, originate in that house. Referring to the acts respecting the judges, he contended generally, that to act upon principles contrary to what he had laid down, would be to place the judges in a different situation from that of any of their fellow subjects; the benefit of a full and free administration of justice; benefits which the application of the provision *quam diu se bene gesserint* did not exclude them. His lordship argued with great ability against the propriety and correctness of the proceedings hitherto adopted, in the particular instance before them; and, that cases of the kind could not regularly originate in that house. He referred to some prominent considerations in the particular case, some of the charges being of a very weighty and serious nature, and which were made on information given by a third person. Besides the great considerations of public and private justice in the case before them, his object in coming forward was to afford the house a regular ground, and the necessary information, previous to their deciding upon a case, in every point of view, of such great importance. He concluded by moving his first proposition, viz. "for the appointment of a committee for the purposes above stated."

The *Lord Chancellor* replied to the arguments adduced by the noble lord, expressing his decided opinion, that, having gone so far, it was a duty they owed to the public, and to the learned judge against whom charges were made, to bring the investigation to a conclusion with as little delay as possible; he therefore upon this ground objected to the noble lord's motives, as tending to create unnecessary delay. He could not see what possible benefit could arise from a search after precedents of proceedings previous to the act of W. III. as they could not apply to the case which was under the consideration of the house. As to any precedents since, there were none, for to the honour of the judges, not a single instance had occurred since the passing of that act, where it was necessary to recur to an address of both houses of parliament to remove a judge. He would ask how they could have proceeded otherwise than they had in the case of the learned judge alluded to? It was his opinion, that supposing the charges to be true (with respect, however, to their truth or falsehood, he wished it to be distinctly understood that he gave no opinion whatever) a *scieri facias* would not have touched them, or affected the patent of the judge, as what he was charged with having done was not done in the execution of his office, as a judge of the court of Common Pleas, but on a special commission on the circuit. Suppose an impeachment had taken place, could the judgment have been, in case the charges had been proved, a judgment of removal from office? he doubted it, and if not, an address from that house, in conjunction with the house of commons, must have been resorted to, which must have been moved by some individual peer. Supposing an address of that nature to originate in the house of commons, still on its being brought to their lordship's bar, they would not take it as a proof, but would proceed upon the motion of some individual peer to investigate the subject themselves. Upon the whole, his lordship strongly objected to the motions, which he considered, as tending to create an unnecessary delay.

Lord *Grenville* could not bring his mind to concur with the noble and learned lord, that further investigation upon this subject was unnecessary. He had expressed his opinion at an early stage of the business, and, whatever might be the law of parliament, every consideration, both of wisdom and justice, called upon the house to deliberate upon the question. His lordship insisted on the necessity of searching for precedents, and adverted to the case of the earl of Bristol, and several others, which he had looked into, and from which his lordship's mind had, he said, derived great assistance. The course which the house was then pursuing, he considered a direct violation of the law, and of the fundamental principles of the constitution; the proceedings, so far as they had gone, were entered upon the journals of the house, and was it to be said that a veil was now to be drawn over those proceedings, and what had been entered upon record, handed down as precedents to posterity, for their example? It was impossible therefore to put off this question, without some farther investigation; there were ample precedents in the house to authorise it to go into such investigation, and the arguments used against it, by noble lords on the other side, were not founded either upon law, upon justice, or upon principle, but were merely a detail of minute distinctions wholly unworthy consideration; he, therefore, trusted their lordships would be allowed to receive that assistance from precedents, and that a committee for that purpose might be appointed.

Lord *Hawkesbury* observed, that the office of a judge had been by the Act of W. III. rendered as freehold, with a condition annexed to it, namely, that the judge should be removable upon the address of both houses of parliament. He considered the mode of proceeding adopted with respect to the learned judge alluded to, to have been perfectly regular, except in the instance of laying the articles of complaint upon the table. He admitted that no judicial proceedings could originate in that house upon the complaint of a peer against any individual, except upon matters of privilege; but he contended, that the case of the learned judge was totally distinct, and did not come within the meaning of such judicial proceedings. He thought a search for precedents, as moved by the noble lord would be wholly unnecessary, and could lead to no useful purpose; it was well known that no precedent existed since the passing the act of settlement, which bore upon the present question. Neither could he by any means agree that the remedy by impeachment was so simple and free from difficulties and obstacles as the noble lord had represented. Whoever would take the pains of studying the history of impeachments in this country, would see that a great many difficulties did always arise respecting what each house of parliament claimed as their peculiar privilege. In the course of that impeachment which was still in their recollection, the impeachment of Mr. Hastings, it would be recollected, that many such difficulties did arise. He certainly felt that a measure of such importance as addressing his majesty to remove a judge, ought not to be adopted without grave and weighty reasons, but if their lordships should be convinced by cogent reasons that a judge was unfit to hold his office, he could see no reason why the houses of parliament should forbear from presenting those addresses for his removal which the act of settlement expressly stated as sufficient ground to remove a judge from his office.

Earl *Spencer* contended that a committee ought to be appointed, and that the constitutional mode of enquiring into the misconduct of a judge was by impeaching him. If the accusations brought against the learned judge, who was now the defendant, could be substantiated, there were very strong grounds, indeed, for such a proceeding; for that learned judge had been charged with no less a crime than having used seditious language from the bench. This was certainly a charge of sufficient importance to ground an impeachment on, if it could be proved. He wished the house, in the present case, to conform itself to its established usages and precedents.

Lord *Mulgrave* could not see that there could be any necessity for appointing a committee to consult precedents, when it was well known that no precedent which could be found would come near the present case. When the judges were made independent of the crown, it was clearly stated, that they were only removable by address from both houses of parliament, or by impeachment. The precedents therefore of cases which happened before the passing this law, could have no application to the present case, and he could not conceive any other ground that could be required for those addresses, except the clear conviction of both houses of parliament on due and weighty consideration, that it was proper to present those addresses. If the house should, therefore, now think it impossible for them to proceed without finding out precedents, the same reason would always apply against addressing for the removal of any judge.

Lord *Carleton* allowed that it was competent to either house of parliament to originate the question; and that since the passing of the act of W. III. it was as constitutional for parliament to proceed by the way of address as by that of impeachment, which, of course, could not originate in that house, but must come from the commons.

Lord *Ellenborough* said, that highly as he respected the opinion of his noble and learned friend, he could not help differing from him on the present question. He thought that in an entire new case, as this confessedly was, and when the house was called on to decide on an act of parliament that had never yet been acted upon or brought into consideration—an act of parliament of such immense importance to every subject of the empire, because it went to no less a point than the removal of the judges from their places, he thought it was necessary their lordships should have the advantage of the opinion of the 12 judges. He thought also, that, in a case like this, their lordships could not proceed with too much caution; and, therefore, that they ought to have the advantage of all the precedents which our ancestors had made the rule and guide of their conduct, antecedent to the time of the act of settlement. He well remembered the time when he was obliged in duty, in the line of his profession, to object to the proceedings of that house, when they went from thence to the place below, day by day, for 7 long years; yet he was more pleased to see even such a proceeding, according to the established rules and customs of the country, than he would be to have witnessed an attempt to enter upon any measures, which should seem like an innovation on the established laws and customs of the land. It had been said, their lordships could not be certain that the commons house of parliament would exercise their privilege of impeachment; and, therefore, that house ought to proceed by way of address. He could not, however, suffer himself to think, that any subject whatever of such importance as the present, could be agitated in that house, so as that it should be apparent it deserved impeachment, but that the commons would immediately take it up and prosecute it accordingly. It had been said, that proceeding by way of address was not a criminal charge; but he thought otherwise. Was not the removal of a man from so high and distinguished an office as that of judge, a criminal charge? Was not divesting him of honour, rank, and high official station, the strongest mark of a criminal charge? In proof of this, his lordship referred to the cases of Lionel, earl of Middlesex, and lord Bacon, who were, on addresses, removed from their offices, and rendered incapable of ever more voting in parliament. His lordship thought, therefore, that the house should consult all such precedents as could give the least insight into the case, and as such, would vote for the motion.

Lord *Auckland* rose to reply. The noble lord observed in forcible terms, on the cruelty of bringing the learned judge, whose case was under consideration, with his witnesses, from above 400 miles distance, to answer such serious charges as were alledged against him, before the house had fully deliberated and decided upon the proper mode of proceeding to investigate those charges. That mode was not, he maintained, as yet discovered; and he very much apprehended that should the house proceed farther in the course recommended by the opponents of his motion, their lordships would find themselves in the aukward and degrading dilemma of being obliged to retrace their steps.

The *Lord Chancellor* in explanation stated, that he did not mean to insinuate that the object of this motion was to create delay, or to impede the progress of the investigation to which it referred; but he would beg noble lords to be assured, that whatever impediments might be thrown in the way, this business should not end until complete justice was done between the country and the individual concerned.

Lord *Auckland* observed, that if the noble lord who had just sat down meant to say that the object of his motion was merely to create delay, such language was not parliamentary, and if the noble lord did not mean to say so, his observation was altogether unnecessary. In vindication of his motives for the proposition he submitted to the house, he should only mention that he had no kind of acquaintance whatever with the learned person who was the object of this investigation, and that he was actuated solely by a sense of duty, and a desire to do justice.—The question being put, a division was called for, and the numbers were, contents 17, non contents 29; majority 12.—On the re-admission of strangers, lord A. gave notice of a motion upon the same subject for Monday next, for which day the lords were ordered to be summoned.—Adjourned.

HOUSE OF COMMONS.

Tuesday, March 19.

[MINUTES.]—On the motion of sir W. Young, the account presented to the house of ships and their tonnage, cleared out from Ireland to the West Indies, was ordered to be printed.—Sir J. Anderson presented a petition from several printers in the metropolis, stating, that the journeymen had refused to work without an increase of wages; that their demands were exorbitant, and a compliance with them would be destructive of the trade; and therefore praying, as the only means of counteracting the evil, that they might be allowed to take a greater number of apprentices, and for shorter periods, than they were at present allowed by law.—Ordered to lie on the table.—The Sugar Drawbacks bill was read a 3d time.—The report of the Exchequer Bills bill was agreed to, and the bill ordered to be read a 3d time.—The report of the Irish Spirits Warehousing bill was agreed to.—A copy of the commission, appointing John duke of Athol governor of the Isle of Man, was presented.—Lord J. Thynne's Indemnity bill was read a second time, committed, and ordered to be engrossed.—The Irish Sugar Drawbacks bill went through a committee, and the report was ordered to be received to-morrow.—Mr. Fox stated, that he should, on Monday next, present a petition to the house from the Roman Catholics of Ireland. It was not, he said, necessary for him to give this notice, but he thought it respectful to the house to suggest his intention.

[IRISH EXCISE DUTIES BILL.]—Upon the order of the day being moved for the house to resolve itself into a committee on the Irish Excise Duties bill,

Sir *John Newport* said, he hoped the right hon. gent. who had given notice of his intention to bring forward a plan for the reduction of the militia, would allow the Irish Tax bills to be postponed. It was of importance they should undergo some discussion; hitherto they had undergone none. They had been brought in on Saturday, not usually a day of business, and read a second time on Monday, on a national festival. However the national Saint might protect the country from venomous animals, it was plain he had no power of protecting against tax bills. Acts of parliament might as well be passed by acclamation, as with a degree of precipitation which precluded discussion. He had expressed his intention of opposing one or two of the tax bills, but had hitherto had no opportunity.

The *Speaker* observed, that on a day for which any hon. member had given notice of a motion, it was usual to waive the other orders.

The *Chancellor of the Exchequer* expressed his intention of deferring his motion respecting the reduction of the militia till Thursday next.

[MR. FORDYCE'S DEBT.]—Mr. *Creevey* rose, and spoke as follows: Sir, in pursuance of the notice I gave some time since, I shall now submit a motion to this house respecting Mr. Fordyce; a gentleman who, by various documents of parliament, appears indebted to the public in a very large sum of money, and of a very long standing; and who likewise appears by a commission lately issued by the crown, and a copy of which now lies upon your table, to be one of five commissioners appointed for the purpose of carrying into execution most important reforms in the department of the navy, which have been suggested by the parliamentary commissioners appointed by this house to examine into those subjects. The first object I have in view is an inquiry into the circumstances of Mr. Fordyce's debt; into the engagement he has entered into for the discharge of it; into the security the public have for its final payment; and into the causes that have hitherto delayed its liquidation; and, with reference to these points, I will shortly state to the house the history of Mr. Fordyce's debt to the public, as I collect it from the different documents of parliament. The house knows, that by an act of parliament passed in the year 1780, certain commissioners were appointed for the purpose of examining the public accounts of the kingdom, and for other salutary purposes of reform. In the first report of those commissioners, and which was likewise made in 1780, I perceive that Mr. Fordyce was found to be indebted to the public, at that time, in the sum of 64,000l. and upwards, as receiver general of the land-tax of Scotland. An examination of that gentleman upon oath, taken before the commissioners, as to the means of liquidating that debt, appears in the appendix to that report; and Mr. Fordyce there refers to the most positive and precise stipulations, as having been entered into by him with the lords of the treasury, for the accomplishing that object. He states, that he had agreed to pay off 30,000l. before the then next Lady-day; 10,000l. before the 10th of the next month after; and that as to the remaining 24,000l. owing to particular circumstances, Mr. Fordyce states, he had obtained the indulgence from the lords of the treasury to pay that sum by instalments of 5000l. per annum. This, sir, was in the year 1780. The next mention I find of Mr. Fordyce is in the 8th report of the finance committee in 1797; that committee, the house likewise knows, was appointed for the purpose of examining abuses in the expenditure of public money; and it certainly does appear a most extraordinary circumstance, that, after the report of the commissioners in 1780, that I have before mentioned, after all the engagements on the part of Mr. Fordyce I have before referred to, and after a period of 17 years to fulfil those engagements in, it does, I say, appear a most extraordinary thing, that Mr. Fordyce's balance to the public should make the prominent feature of complaint it does in that report of the committee of finance. It appears from that report, that although Mr. Fordyce was so much in arrear in 1780, he was nevertheless continued in his office of receiver general until 1783; and when, instead of his former engagements being fulfilled, and his former balance reduced, his debt at that time to the public amounted to upwards of 90,000l. At this period, in 1783, it appears he was dismissed; and the report proceeds to state, that from that period (in 1783) to the then present time, (in 1797) the whole of that arrear of 90,000l. with the exception of 700l. only paid in July 1797, had remained a debt due from Mr. Fordyce to the public, for which no interest whatever had been received. I find, sir, from the appendix to that report, that Mr. Fordyce upon this occasion, as upon the former one, appeared again before the committee, and again referred them to new engagements entered into by him with the lords of the treasury, for the payment of at least 4,000l. annually, and to a variety of securities, that were to produce the speedy liquidation of this debt; and I particularly beg to call the attention of the house to one statement made in the appendix to that report. It is stated, that in 1783 Mr. Fordyce's property was all assigned to trustees for the lords of the treasury as a security for the debt, but that it had at the same time been agreed, that Mr. Fordyce should retain the possession and management of his estate, subject to the direction and controul of the lords of the treasury, and lord advocate of Scotland. This, no doubt, sir, was meant as a beneficial arrangement for the public; that the skill and management of Mr. Fordyce might make his property more productive than it would be in the hands of the trustees; the experience, however, sir, of two and twenty years, must very much diminish, if not entirely extinguish, all our reliance upon the skill of Mr. Fordyce, and the controul of the lords of the treasury and the lord advocate of Scotland; for, during that period of two and twenty years, they have not produced one farthing to the public. The only sum paid since the finance committee's report, notwithstanding all the new engagements on behalf of Mr. Fordyce, and all the numerous securities he refers to, has been a sum of 8,250l. and this sum I find was given to Mr. Fordyce by parliament, out of the public money, for surveying woods in Scotland; and being in the exchequer, could not with much decency be paid out of it, to a person so much its debtor as Mr. Fordyce. This sum was paid by Mr. Fordyce, or rather retained by the treasury in Feb. 1800; and during the 5 years that have since elapsed, no other payments whatever have been made. These last facts, respecting Mr. Fordyce's debt since 1797, I collect from the annual return of the balances of public defaulters, which is now laid before parliament, in pursuance of the act of 1800, for which the public, sir, are indebted to you. This, sir, then, is the parliamentary history of Mr. Fordyce's debt to the public: he now owes to them upwards of 80,000l.; he has owed it two and twenty years; the money came out of the pockets of the people for their taxes; a sum more than equal to the principal has been lost in the way of interest for this sum; no engagement of this gentleman for the liquidation of this debt seems to have been performed; no steps appear to have been taken by the lords of the treasury to accelerate the liquidation of this debt, although it has been so strongly pressed upon their attention by the commissioners' report in 1780, and that of the finance committee in 1797, and although they are said to be in possession of so many and such valuable securities. I am sure, sir, the house must agree with me, that this statement of facts calls for a committee of this house to examine what these securities are that have been so long unproductive; what this property of Mr. Fordyce's is, that, after two and twenty years trial, neither his own skill, nor the controul of the lords of the treasury, and the lord advocate of Scotland, can convert into any thing for the public. It cannot be said, I apprehend, that this gentleman is destitute of means to liquidate his debt to the public; if I am rightly informed, sir, he is in possession of a large estate in Scotland, that it made his qualification to sit in the present parliament for Berwick, that it enabled him to succeed in a very hard-fought contest for that borough, and that he finally lost his seat in this house only from having been proved to have been too lavish of his money. Can it be said, after this, that Mr. Fordyce's estates yield no rent? or, if they do, why have not the lords of the treasury, in their discretion and controul, prevented this public money from being thus squandered on a Berwick election? Sir, I hope I should be as backward as any gentleman in this house to press for any thing like persecution; I am willing to admit, as I did on a former occasion, that, from all I have heard, I believe it to be true that there was much misfortune in this gentleman's case originally; I am ready to admit, that it would be ungenerous to urge the public to withhold all reasonable indulgence in cases of allowed misfortune; but there must naturally be a limit to such indulgence, there must be a decency in the use of it; and, above all, there must be an impartiality in the distribution of it to persons similarly situated. There are many unfortunate debtors to the public besides Mr. Fordyce; many who, as securities for their principals only, are harrassed without pity by all the rigorous process of the crown. It is just and right that the laws of the country should be equally and impartially administered; and, of course, it is not right that Mr. Fordyce and his property should make the exception they do to the ordinary application of the law. Besides, sir, as I have said before, we are never to forget that the money Mr. Fordyce owes to the public came out of the pockets of the people for their taxes, that through him or his agents it has hitherto been lost, and that it is not very gracious to the people of England, whilst we are taxing the very sources of their existence, to be granting this exclusive compassion to Mr. Fordyce. Sir, it is not only the estate I have mentioned that Mr. Fordyce possesses as a means to satisfy his debt, the public knows that this gentleman enjoys a very lucrative office under the crown, and that he has long done so; they know, sir, that the revenue, which has already lost so much by him, has been further burdened, for the purpose of building him a house of great magnificence, nominally, indeed, an office, but in fact a private residence, and built at great expence; and knowing as they do these facts, and feeling as they do the increasing pressure of an almost overbearing taxation, it is insulting the people of England to call upon them for any extraordinary sympathy in the case of Mr. Fordyce. As I said, sir, upon a former occasion, I can take no blame to myself for making these observations, unpleasant as they are: the ministers have forced Mr. Fordyce upon the criticism of the public; and they must answer to him for the consequences; if, after two and twenty years forbearance, they still think themselves justified in withholding the process of the crown against Mr. Fordyce for the recovery of their public debt, they are at least bound in duty and decency to the public, not to exhibit Mr. Fordyce in any character of discretion or controul connected with the public revenue of the country. I am sure, sir, this is a sentiment universally felt by the public; and, what is more, it was a sentiment recognized and acted upon by the chancellor of the exchequer, who dismissed Mr. Fordyce from his office. The chancellor of the exchequer I allude to was lord J. Cavendish; and that noble person himself seems to have believed, that there had been much misfortune in Mr. Fordyce's case, so much so, that he was induced to promise him some indulgence as to time, and some place of profit, instead of the one he had deprived him of. But observe, sir, there was a condition annexed to this promise, namely, that the place to be given was to be in no way connected with the revenue:—this, sir, was the just and generous sentiment of that noble person of humanity to the individual, and of respect to the feeling and to the interest of the public: if that noble person thought, two and twenty years ago, when Mr. Fordyce's debt was recently contracted, that the employment of him, in any way connected with the revenue, was an act of disrespect and injustice to the public, what would he have thought to have seen Mr. Fordyce now under all the aggravated circumstances of the duration of his debt, and the forfeiture of his engagements, enjoying a place of similar responsibility in the revenue to the one he was deprived of? What would he have thought to have seen this gentleman selected as the person who was to frame and introduce a system of reform and economy into the expenditure of the public money in the department of the navy? What could he have thought if he had heard the chancellor of the exchequer of the present day pronounce Mr. Fordyce the fittest person that could be found to fill this office of reformer. There is another reason for the house agreeing to the committee I shall finally move for, and which I had omitted to mention: whatever doubts may have been formerly entertained as to public accountants being chargeable with interest, there can be none now since the act of 1800, for which the public is likewise indebted to you, sir; under this act, there is now 20,000l. added to Mr. Fordyce's debt, making the sum total 100,000l. and upwards, though I observe by the last return this interest is not added to the principal.—This is all that appears to me at present necessary to be said upon the subject of Mr. Fordyce's debt; and I feel certain it will be sufficient to induce the house to accede to the committee I shall finally move for. When I mentioned to the house my intention of bringing this subject forward, I gave notice at the same time of my intention to submit likewise a resolution to the house respecting the impropriety of Mr. Fordyce's appointment as one of the commissioners in the new naval commission issued by the crown; a sentiment that I have by no means abandoned, but which at present I shall forbear from expressing in the form I had intended; if, however, sir, this house has any wish to appear in earnest with the public upon the subject of reform and economy in the expenditure of the public money, it will do well to direct its most anxious and particular attention to this new naval commission, because, under all the circumstances of the case, it is impossible that any thing can be more full of suspicion and alarm. We are all agreed, or at least we all profess to be agreed, that the commissioners appointed under the act of this house to examine into public abuses in the department of the navy, have been eminently successful in detecting and exposing the greatest frauds upon the revenue. An honourable admiral in this house, and who was one of the late board of admiralty, and who of course has had all the means of official information, has asserted, without being contradicted, that if the exposures made by the parliamentary commissioners were to be followed up by corresponding reforms, a third of the public money spent in the extensive department of the navy, might be saved. In times like the present, it is impossible that a discovery of greater importance could be made; but what security have we, sir, for the adoption of such reform? After two years and a half of such labours as, I believe, never parliamentary commissioners bestowed before, after nine volumes of such minute and detailed enquiries as were never made by commissioners before, the only object secured to the public is an alteration made by law in the management of Chatham chest. Sir, I understood that a pledge was given by the late chancellor of the exchequer to this house, that he would move specific resolutions founded upon these various reports; no such proceeding has, however, taken place, nor is it likely now it should do so; for it is impossible for this house to conceal from itself that the present administration is hostile to that parliamentary commission; many of the gentlemen I see opposite to me resisted, with all their power, the act creating the commission; the admiralty who brought it in are the perpetual subject of their censures, and particularly for their economy. We have seen with what reluctance this parliamentary commission is to be permitted to exist as long as parliament intended it to do, and then, what is worse than all, we see that the reform of all the abuses that the parliamentary commissioners have discovered is not to be left to this house, is not to be followed up by resolutions of parliament, or by positive laws, but the whole is entrusted to commissioners appointed by the crown; that is to say, by ministers themselves; and over which commissioners, parliament has no controul. If parliament give this favourite subject of the public out of its own hands, the reform of abuses, the economy of the public money in the department of the navy, we might have been indulged, I think, with a reformer of more promise than Mr. Fordyce. We know very well, sir, the resolution, the courage, the unimpeachable character that are necessary to make a man a successful reformer, that can enable him to contend against that implacable host of interested jobbers that for ever swarm about the public money; and can it be said that Mr. Fordyce, whose very existence is at the mercy of the crown, whose character as a public defaulter is at the mercy of every man whose abuses he is to correct, can Mr. Fordyce thus situated, be that faithful and rigid servant of the public, which his office of reformer so peculiarly calls upon him to be? Having said thus much of the late naval commission, and of the suspicious light in which I view it, I shall nevertheless afford Mr. Fordyce an opportunity of doing his duty to the public, and I shall not at this present moment submit the resolution I originally intended; I beg, however, to give this notice to the house, that if my suspicions shall be too unfortunately realized, if we shall not shortly hear of the labours of these new commissioners, I shall think it my duty again to call the attention of the house to this subject, and endeavour to induce it to resume into its own hands this most important object of reform; and I shall now, sir, content myself with moving for a committee of this house, for the purpose of obtaining information respecting Mr. Fordyce's debt, which under all the circumstances of the enormity of that debt, the time it has been owing, the apathy of the lords of the treasury in the recovery of it, and the violation of all Mr. Fordyce's engagements as to the liquidation of it, the house, I apprehend, will have no hesitation in agreeing to. The hon. gentleman then moved, "that a committee be appointed to examine what sum was now due from John Fordyce, esq. to the public in respect of a sum of 82,000l. and upwards, reported to be due from him by the finance committee in 1797; together with an account of what steps had been taken by the lords of the treasury for the recovery of the same; and also an account of all securities given by the said John Fordyce, or on his behalf, to the lords of the treasury for the payment of the said debt; also an account of all engagements entered into by the said John Fordyce with the lords of the treasury for the payment of the said debt, and of such of them as had been performed; together with an account of all the rent, produce, and profits of the estates and property of any kind whatsoever belonging to the said John Fordyce, and which had been by him conveyed to the lords of the treasury in 1783, as a security for his debt from that period to the present time."

The *Chancellor of the Exchequer* wished to call the attention of the house to the nature of this transaction. The hon. member had changed the object which he had first set out with, and he understood him to consider the situation of Mr. Fordyce as arising out of misfortune. But he could state that it had not been the opinion of the actual government that had removed him from office that he was unworthy to be trusted, though they had declined employing him in a situation connected with the revenue. He held no such situation at present. He had held a very laborious office in a commission to inquire concerning the lands of the crown, appointed at the instance of that house; his name had been subscribed to reports made to the house on that subject, and parliamentary measures had been grounded on such reports. He then held an executive office for carrying these measures into effect, and had produced as great a practical reform as had ever been effected in any department. The revenues of crown lands, which then had been reduced to 6000l. had by his management been raised since to 40,000l. which would increase in the present year, and in the course of a few years amount to some hundred thousands. This he stated to shew, that Mr. F. was not a person unworthy to be trusted, and that his being in arrear had arisen from misfortune only, as well as that the public had enjoyed the benefit of his talents and services. His misfortune had arisen from the failure in three successive instances of his agents, one of whom had not been of his selection, but recommended by the late lord Rockingham, as collector-general, and therefore, in fairness, he ought not to be accountable for the 14,000l. which now remained unsatisfied of his default. Another failure had arisen from the bankruptcy of a house in which Mr. Fordyce had vested certain sums of money, arising from the sale of forfeited estates in Scotland, which under the act of 1770, he was made the medium for conveying to the treasury. By this failure, which happened a short time before he was removed from his office, though it did not add considerably to his official arrears, he lost a sum of 40,000l. Under these circumstances, when addressing so enlightened an assembly, and as the origin of this transaction was historical, he trusted that the question would be considered without any view to party object, though the hon. gent. in the latter part of his speech, had appeared to give it that complexion. He had a right to consider the case of Mr. Fordyce as a case of hardship. He had been left large sums in debt by the failure of agents, and from that hour no balances had been in hand upon which interest could accrue. He had been treated with forbearance, and that forbearance had been continued to him, first, because his default had arisen from misfortune; and, secondly, because rigorous measures would have ruined him, and thereby have prevented the public from receiving those payments, which he should presently state. The hon. member had represented the arrear of Mr. F. as 90,000l. It had been more, but was soon reduced to that sum. Before 1797, 2,000l. had been paid out of his separate property, and since 8,000l. There were 37,000l. due on bond within the present year, 11,000l. before the 25th of this month, the remainder in July, except 4000l. in Dec. He had besides, by his talents, genius, and industry, which had been of advantage to the public, acquired additional means of paying his debt; and he put it to the candour of the hon. mover, or of any hon. gent. near him, whether in a case of such misfortune, it would have been right to press him rigorously. The sums he had acquired by his employment had been applied, not to his use, but to pay off his arrears. Upon these grounds, he saw no reason of complaint against the present, or any former government, for having employed this gent. nor any ground for parliamentary interference. They all knew the amount of his debt in 1797, and nothing was so easy as for any member to move, that there be laid before the house an account of the amount of the sums that had been paid, of the steps that had been taken, and of the sums now due. After which it would be competent to move for an inquiry, if any gent. should think it then necessary. He should himself move for these documents. The 14,000l. ought not to be charged to Mr. F.; and as to the other failures, there were effects that would be finally available. Mr. F. too had an estate in the island of Grenada, which yielded 200 hogsheads of sugar, annually, and would have been subject to his arrears, till the calamity, which had called for the indulgence and aid of parliament in favour of the sufferers. The estate was now likely to be productive, but this circumstance entitled the hon. gent. to the forbearance of government. As to the appointmentof Mr. F. on the commission, it had been at the desire of sir C. Middleton, with whom he had acted as comptroller of the navy, and every one would bear testimony to the merits and abilities of that hon. bart. The object of the commission was to form a digest of the regulations of the different royal yards, and they had no discretion or power to obstruct any reform, and he looked upon it as no proof of hostility to any practical reform, that the hon. bart. who had first suggested the naval commission, was appointed to the royal commission. After a few other observations relative to the reports not having been followed up by any further measures, the right hon.gent. concluded by declaring that no parliamentary ground had been laid for the motion.

Mr. *Fox* begged to have it understood, upon what ground he did not wish the gentleman who was the object of the motion of his hon. friend, to have been employed. It was not because he thought him unworthy to be trusted, but because he was in a situation of misfortune, and therefore in a state of dependence on his majesty's ministers. The commission was appointed to make suggestions to government, and might they not have to report on such parts as some at least of his majesty's ministers might be no friends to? However that might be, he was sure that no man in a state of absolute subjection to the power of ministers, could report with that sturdy independence which ought to characterize the conduct of a public reformer. He had not the honour of being acquainted with Mr. Fordyce, but he had no doubt of his being a gentleman of talent, ability, and merit. He thought the house ought to be obliged to his hon. friend for having brought forward the business. Neither had Mr. F. any reason to complain that the subject was agitated, inasmuch as it gave him an opportunity of making known those favourable circumstances of his case, which were unknown before. Whether the facts should be laid before the house by motion, or ascertained by the inquiry of a committee, amounted to the same thing; he should therefore not differ from the opposition of the right hon. gent. opposite. He was inclined to agree in the opinion, that the case of Mr. F. was a case of pure misfortune. He had himself a recollection of the failure of the first Agent, Cockburn, who had been so strongly recommended to Mr. Fordyce, and the result of his recollection was, that it afforded a case of very strong equity in favour of Mr. F. As to the case of Mr. Fordyce, the banker, his failure was a misfortune of such an extent, as to produce an effect really astonishing. It would be rather surprising how he should be able to speak to the circumstances. He had accidentally happened a few days back to read over the copy of a letter from Mr. Garrick to a friend of his in the West Indies, in which it was stated, that the receipts of the theatre had materially fallen off in consequence of the widely diffused effect of the failure of Mr. Fordyce. If the effect of that failure was so great that the pleasures of so great a part of the public were depressed by it in so perceptible a degree, he did not wonder that a person in Mr. Fordyce's situation suffered by it so materially. It appeared further, that Mr. F. constantly exerted himself to make good his deficiency, but that the circumstances of the times, particularly the unfortunate circumstances respecting Grenada, had prevented his arrangements from proceeding in the manner that was to be desired. From what was stated, there was reason to believe that in the process of time every thing that could be wished would be done. It was therefore for the benefit of the public that no interruption should be given to Mr. F's management of his means of clearing off the arrears. The facts, however, ought to be laid before the house in a parliamentary way. The right hon. gent. had stated the facts clearly, and promised to produce the documents; when they were produced, the house would be enabled to judge of what was now but matter of belief and of opinion.

The *Chancellor of the Exchequer*, in explanation, stated that Mr. Fordyce, as a member of the last commission, did not act generally, but specifically, with the view of applying the best remedies to existing abuses in the naval department. This appointment he had received from the knowledge of the former beneficial exercise of his talents in the same branch of the public service.

The *Secretary at War* thought himself called upon to state, that sir C. Middleton had refused to undertake the task entrusted to this commission, unless Mr. Fordyce were also appointed on it; and this from the opinion sir C. had formed of the talents and capacity of Mr. Fordyce, in a former service in which he had been associated with him. As a proof that Mr. F. had devoted all his emoluments to the discharge of his arrear, he instanced the case of a sum of 25 or 26,000l. accruing to him, which he refused to appropriate to a provision for his large family, notwithstanding the recommendation of some of his friends, preferring to transfer it immediately to the Exchequer, for the discharge of his debt.

Mr. *Johnstone* said, that he should be no advocate for any harsh measures, unless the result of the enquiry should make it necessary; but he could not conceive how Mr. Fordyce could be justified by the failure of his agents, as there was nothing to prevent him from obtaining securities from them, previously to their appointment. In the case of an individual, the house would naturally be inclined to a liberality of conduct; but in matters of account, they could not do justice to the public, without, on their part, acting in the same manner which every man would do, in the management of his private affairs. Instead of 40,000l. had the treasury called on the securities, they would, by this time, have had the whole. The increase of the crown lands had been boasted of; that increase was owing, however, to wise acts of parliament, and the falling in of old leases granted by the James's and the Charles's.—The right hon. gent. had held out splendid promises to the house, of the repayment of what Mr. F. owed to the public; but there was no reasonable prospect of their being realized. After the report of the Finance Committee in 1797, the public were led to believe, that before this time the incumbrances of Mr. F. would have been removed. The fact was, however, that after the lapse of eight years, the debt was as considerable as when the report he had alluded to had been formed. Conceiving, then, that this was a subject highly fit for the interference of the house, he felt himself called on to support the motion of his hon. friend.

Mr. *Creevey*, however, on understanding that the chancellor of the exchequer would himself move for the information on the subject, consented in the mean time to withdraw his motion.

[IRISH REVENUE BILLS.]—The Irish Excise Duty bill, the Irish Stamp Duty bill, the Irish Postage Duty bill, the Irish Malt and Spirit Duty bill, and the Irish Customs Duty bill, went through a committee.—In the committee on the last,

Mr. *Foster* consented, from respect to the opinion of so many Irish members, to discontinue the 6 per cent. duty on Irish retail imports. He believed, however, and expected, that on a revision of the English duties, it would be found proper to impose something of this kind in Ireland. The other tax that was objected to, the tax on timber, he thought so unexceptionably fair, that he would persevere in it.

Sir *J. Newport* repeated his former objection to this tax, which he thought was calculated to discourage the growth of timber in Ireland, and to defeat the produce of the tax itself, by diminishing the import. The produce on the tax on windows and auctions would so far exceed the estimate, that the tax on timber would not be wanted. He therefore moved "that this tax should be struck out."

Lord *De Blaquiere* thought the duty just and well considered; its merits had been fully discussed, and the propriety of the tax established by a vote of the house the very night before, and he felt it rather hard that at that hour of the day he should have nothing offered him to eat but his own words, an aliment he certainly did not relish, and therefore, if it came to a discussion, he should persevere in his former conduct.—The question being put, there appeared for sir J. Newport's motion 34, against it 80.—Majority 55. The other items in the schedule were then read and agreed to.—Adjourned.

HOUSE OF LORDS.

Wednesday, March 20.

[MINUTES.]—The bills upon the table were forwarded in their respective stages; among these, the Marine Mutiny bill went through a committee, and was afterwards reported; and lord Thynne's Indemnity bill was read a 2nd time.—The bishop of Oxford presented a bill to repeal so much of the act of the 9th Geo. 2d as restrained certain colleges in the universities of Oxford and Cambridge from purchasing the Advowson of Livings; which was read a first time, and ordered to be printed.—Adjourned.

HOUSE OF COMMONS.

Wednesday, March 20.

[MINUTES.]—A new writ was ordered for the election of a member for the borough of Wigtown, in the room of Mr. Macdowal, who had accepted the Chiltern Hundreds.—A list of the Reversionary Grants of offices in Ireland was presented, and ordered to lie on the table.—The Hull Dock bill was read a 2nd time.—On the motion of Mr. Rose, the house went into a committee on the acts relating to Foreign Ships. A resolution that the ships and inhabitants surrendering to his majesty in the captured settlements of the enemy be allowed to trade as British, according to the regulations in last war, was agreed to, and leave given to bring in a bill accordingly. Leave was also given to bring in a bill to allow neutral ships to import certain articles, for a time to be limited.—The Exchequer Bills bill, and the Irish Spirit Warehouse bill, were read a 3rd time and passed.—Mr. Huskisson brought in a bill for permitting the negociation of small notes, which was read a first and second time, committed, and reported.—The Irish Revenue bills were reported.—Mr. Dawson moved, that there be laid before the house the number of licences for killing game issued in Ireland, since 1801, distinguishing the years, and specifying the names of the persons in each district, by whom they were taken out.—Ordered.

[PRIZE AGENCY BILL.]—Sir *William Scott* rose to make his promised motion. He began by stating, that by the law and constitution of the country, all the rights of war were vested entirely in the crown, and no individual had any claims on account of captures; and that the rights of that sort which individuals could claim, flowed from the bounty of his majesty, and his predecessors, and immediately proceeded from the spontaneous declaration of his majesty at the commencement of every war, which not only gave to the captors a right, but which also regulates the distribution of the prizes among them. The acts, he said, which regulate this subject, respect either, 1. the persons to be entitled to the property: 2. the functions of the courts to decide on its appropriation: 3. the management of the property during the process, and the distribution of it after it has been adjudged. With regard to the first, the provisions of the act vary in their application, according to the peculiar circumstances and situation of the parties. With respect to the second, immediately affecting the constitution and dignities of the civil courts, the legislature has been extremely tender of interposing its authority, and introducing new regulations. It has considered, that the courts of Admiralty are not restricted within the narrow limits of municipal institution: the law of nature, and of nations, is the foundation on which they build; all the subjects of foreign states, on the general principles of justice and humanity, have a right to redress for injuries received upon the high seas, and look for protection to these establishments. The rights of parties grounded on these enlarged principles, are not less sacred than those which are erected on the solid basis of the common law of England; and the character and honour of every country, in a great measure, depends on the regard which is paid to the just demands of individuals, placed in the most remote regions of the world. There are three modes in which the business of prize agency may be conducted:—1st. by a public officer: 2d. by persons selected by parties interested: 3d. by a mixed mode, in which both these are comprised.—The mode now pursued is the second I have named, and it has many recommendations, although the trust necessarily reposed has been liable to very serious abuses. When we consider the number of persons, respectable for their characters and for their property, who have been engaged in this business, we need not be surprised that agents of that description have received abundant encouragement. The great question is, if, under the violation of private right to which, in this mode of agency, individuals have been exposed, it would be eligible that public official men should interpose; and in our consideration of this, we are naturally led to enquire into the principal matters which effect the interests of the parties. First; the security of the property is the great object; it is better that it should be forthcoming, however late, than that it should be wholly lost. While the decison is witheld, it is material that the fund should be accumulating, for the advantage of those who shall be declared entitled to it. Should the property be invested in real securities? Certainly not; because, from the nature of those securities, it would be liable to be empounded a considerable time posterior to the decision, when the parties might want to apply the property to advance their interests in their own private concerns. If it cannot be invested in real securities, much less can it be dependant on the risk of personal security, or submitted to the hazards of trade; even in its application to the public funds of the state, some respect is to be paid to private opinion and convenience, under the vicissitudes of national affairs. During one of the more atrocious periods of the French Revolution, if any distinction may be made in the political profligacy of that republic, it was the practice to invest one of the officers on board every ship with the functions of a Judge of the Admiralty, and by this means, instantly that a capture was made, the prize was condemned, and an immediate distribution was made among the successful depredators.—We are not, however, here governed by the laws of Algerine piracy, or the institutions of revolutionized France. England must act with good faith to every individual wherever he resides; documents must be procured, and all the parties must be heard. Delays have been complained of in our court, and in some respects, and to a certain extent, they are unavoidable. To give the parties an opportunity of appeal is necessary, and this is one source of delay. It is well known, that the general law of Europe has assigned the interval of a year and a day to the appellant. To prevent procrastination, the term of appeal was for some time limited to three months, but however good the intention might be in this regulation, the legislature found it necessary to trace back its own steps. Appellants in America, in Asia, or even in the remote parts of Europe, had not sufficient time to resist the decision they thought inequitable, and the former interval for appeals was again conceded. The object then has been, during the delay, to make the effects speedily productive, and to attend to the accommodation of each party as much as possible. If security were the only object, the delivery of the property into the hands of a public officer under the mandate of the the court, would be sufficient. In any new regulation on the subject of this question, however prudently formed, we cannot exclude all inconveniences. In considering the defects of the present system, we have the satisfaction to discern, that they are neither great nor numerous. The late act, which is the present law on the subject, contains many provisions; some of which I shall shortly state, in order to shew, that the evils we apprehend are not gigantic and formidable. Previous to this act, the prize agents gave no security for the faithful discharge of their duties. Now they are required to give security to the sum of 5000l. Under former statutes, agents might keep in their own hands the monies they received during the progress of a cause; now the captors may compel the agents to vest the proceeds in public securities, until the proper time of distribution. Formerly, mariners could only recover their shares by tedious proceedings in the courts of law or equity; now they may attain their right by a short and summary proceeding in the court of admiralty. Under the former acts, the charges of the agents were not submitted to examination and controul; now they may be inspected and reduced, when they are unreasonable, at a very small expence to the parties. At this time, the agent is obliged to remit the balance due on the prizes to the navy pay-office, where, as formerly, he could retain the money in his own hands. Heretofore, there was no provision for the payment of monies on the account of prizes, after the appointed time of such payment, so that persons absent, either on their private affairs, or on public duty, on their return, were frequently disappointed of the rewards due to their exertions and their gallantry: now, for two days in each week, the office of the agent is required to be kept open, for the purpose of answering to these claims. Under the prior forms, the prize-money was disposed of without regularity; now there must be a power of attorney for each captor. Thus it would be seen that much had been done to remove the evils, and to prevent the impositions to which a meritorious class of men were exposed. These regulations, then, deserve the attention of the house in the formation of any new plan to counteract the disadvantages which the wisdom of parliament, from the nature of the concern, has not yet been able to remove. One great cause of detriment has been from their ignorance of the parties interested in the provisions under the late act, which have been made in their favour. If they do not know what is their situation in this respect, it is precisely the same as if no such prudent and humane regulations had been made. It is proverbial in our courts, that "the law is made for those who are awake, not for those who are asleep." It has occurred to me, as the means of preventing the mischievous effects from the ignorance and inactivity of claimants, that curators or guardians be appointed to enforce the provisions of the act. These may have full opportunities of acquiring information, and may communicate the result of their judgment on the legislative regulations, as applicable to the particular cases, to the parties themselves. This seems to me to be an obvious and practical remedy for most of the mischiefs from the cause to which I have adverted. In addition to this, some supplementary arrangements may be introduced with great propriety at the principal ports of the kingdom. It might be asked, if what I have proposed be consistent with what has been recommended by the commissioners of naval enquiry? It is perhaps unnecessary minutely to enter into this comparison in the present stage of the business; enough surely has been shewn, both in the present exposition of the law, and in the general notoriety of the facts, for the house to form some competent judgment on the fitness of bringing this measure under consideration.—The hon. and learned gent. concluded with moving, "that leave be given to bring in a bill for the encouragement of seamen, and for the more effectual manning of his majesty's ships."—The question was immediately put from the chair, and agreed to.—Adjourned.

HOUSE OF LORDS.

Thursday, March 21.

[MINUTES.]—The Duke of Athol spoke in support of the appellants, in the case, the Earl of Kinnoul and others *v.* Mr. Maule and others; after which the Lord Chancellor delivered his opinion, and the decision of the Court of Session was affirmed.—The Exchequer Bills bill, the Sugar Drawback bill, the Irish Malt bill, the Irish Postage bill, the Irish Customs bill, the Irish Excise bill, the Irish Stamp Duty bill, the Irish Spirit Warehousing bill, and several private bills, were brought from the Commons, and read a first time.—Mr. Alcock, from the custom-house, presented an Account of the Sums in the hands of the Collectors on the 5th of January last, so far as the same could be made up.—Adjourned.

HOUSE OF COMMONS.

Thursday, March 21.

[MINUTES.]—Mr. Bully, from the Exchequer Office, presented an Account of the Produce of the Permanent Taxes, the progress made in the liquidation of the national debt, and the surplus amount of the Consolidated Fund; which were ordered to be printed.—A message from the lords stated their having agreed to Lord J. Thynne's Indemnity, the Marine Mutiny, and some Private bills.—The Irish Customs, Excise, Post Office, Stamps, and Malt Duty bills, were read a 3rd time and passed.

[IRISH LUNATICS BILL.]—Sir *John Newport* rose to submit to the house the motion of which he had some time since given notice, for leave to bring in a bill to regulate the practice in Ireland with regard to the confinement of lunatics and idiots. By the 27th of his present majesty, the poor and the lunatics of Ireland were confined in the same houses, a practice from which the most distressing inconveniencies had frequently resulted. He wished the appointment of distinct asylums for lunatics and idiots. The existing method of confinement was only calculated for malefactors, but not for lunatics. Proper care cannot be taken of lunatics without separate institutions. He had therefore to propose a bill for establishing an asylum for each of the four provinces to contain 250 patients. These asylums to be in the central towns of the principal counties. The provinces to bear the expence, which is to be imposed by assessment; and a report to be made, from time to time, to the judges of assize, of the management, funds, and whole concerns and situation of the four asylums. He had bestowed much attention, for many years, on this subject, and was persuaded that the measure he was about to propose, was one which the situation of the public institutions in Ireland loudly demanded. Accordingly, he concluded by moving for leave to bring in a Bill for establishing Provincial Asylums for Lunatics and Idiots in Ireland.

Colonel *Bagwell*, in seconding the motion, thanked the hon. baronet for the pains he had taken to examine into the subject in question. There was a necessity for the asylums. He went once to the gaol of Clonmell, to enquire respecting this subject; from the bellowing and hideous noise of the lunatics there, the ordinary sick were prevented from taking their natural rest.—After a short conversation, in explanation of the mode of raising the funds for the Asylums, between Mr. Rose, Sir J. Newport, Mr. Corry, and Mr. Foster, leave was given to bring in the bill.

[Irish Loan and Exchange.]—Lord *A. Hamilton*, pursuant to notice, rose to submit his motion on this subject to the house. In bringing forward the resolution which he should have the honour to propose, he was not actuated by any sentiment of hostility to the right hon. gent. opposite (Mr. Foster.) When he had first called the attention of the house to this subject, he had stated, that the excessive issue of paper had arisen from the restriction of issues of specie from the Bank, and had produced the consequent depreciation. The object of his motion was, a disapprobation of the measures that had been taken by the commissioners of the treasury in order to remedy the high rate of exchange. Their measures were of a partial and temporary nature, answering no one purpose proposed, and leaving the exchange in precisely the same state. The noble lord here read from the papers on the table the different rates of exchange at which the Irish treasury had offered at different times their drafts upon this country, from 11½ per cent. to 8 1-3d at par; and contended, that by giving their drafts at par, whilst the actual exchange was 13 or at least 12 per cent. they negociated the transmission of the loan at the loss to the public of 40,000l. on every million, and he should ask whether this was fair, legal, and regular? An expectation was entertained in Dublin that the measures of the treasury would reduce the exchange to par; and, consequently, the whole of the sums advertised had not been purchased whilst the rate was above par; but, when the accommodation had been offered at par, though the sum wanted did not exceed 150,000l. the sum of 500,000l. was subscribed; and such was the eagerness and avidity to procure a share of it, that a kind of riot had taken place amongst the bidders at the castle, which required the military to suppress. The house, he trusted, would put an end to this practice in future, as it had produced no advantage, but great loss to public. The restriction of cash payments had caused an excessive issue of paper, which enabled the Bank Directors to give a bonus of 5 per cent. last year, making the total dividend on their stock 12 per cent. He should ask the right hon. chancellor of the exchequer under what possible circumstances he could renew the payments in specie? As the restriction had now existed during a period of peace and of war, as the effect of it was an excessive issue of paper, and a consequent depreciation of it, and as by the measures pursued by the Irish treasury, a loss of 40,000l. had fallen on the public in every million, and as amidst this desolation of the finances of Ireland, the only stock that thrived was Bank Stock, he should therefore move his resolution, "That it appeared to the house that a considerable part of the sums raised in G. Britain for Ireland, for the service of the year 1804, had been transmitted to Ireland by Bank of England Post Bills; and that said bills had been sold in Dublin by the commissioners of the treasury, by public advertisement, at rates inferior to those at which they had been before sold."—The other resolutions expressed disapprobation of the conduct of the Irish treasury in so doing.—On the question being put on the first resolution,

Mr. *Foster* observed, that whatever complexion the noble lord might put on his resolutions, they amounted to a direct charge on the commissioners of the treasury in Ireland. He had confounded the question of exchange with the conduct of the treasury. The right hon. gent. begged to state the nature of the transaction. A large loan had been negociated in England for the service of Ireland, and he had applied in Nov. to the Directors of the Bank in Ireland, to bring over the money, which they had refused, lest it should injure their character for impartiality, as some of them were concerned in the business of exchange. The commissioners were obliged to order it over in Bank of England Post Bills, which they sold in Dublin. They first advertised a sum of 200,000l. at 11½ per cent. but only 170,000l. were subscribed. The next sum they advertised was of the same amount at 10 per cent. and only 170,000l. was obtained. They then found themselves under a necessity of disposing of the bill at par, which was 8 1-3d, in order to procure the sums required for the public service. But during the whole of this period, the actual state of exchage fluctuated between 8½ and

10 or 11, to which it had in one or two instances, risen for a short time. The noble lord could not therefore make out that any loss had been sustained by the public by this transaction. The question of exchange was not regularly before the house, but he would be indulged with an observation upon it. The state of exchange depended on the general balance of pecuniary transactions between two countries, and in this respect it was favourable to Ireland so large a sum of money having been transmitted. The restriction of the issues of specie was the primary cause of all the unfavourable state of the currency and exchange, unknown before, but whose interest it was to keep it high. Another cause was the over issue of paper. In the months of May, June, and July, the Bank of Ireland diminished its issue from three to two millions and a half, and the exchange fell. In August they increased it again to 3 millions, and the exchange rose. The same consequence had happened in 1753, from the breaking of the Bank, and in the reign of King William, from the base coin. Where guineas were paid, the exchange was at 5 per cent. being 3 below par. The right hon. gent. contended no ground had been made out for the motion, and therefore to get rid of it, moved the order of the day.

Lord *Henry Petty* agreed in the whole doctrine laid down by the right hon. gent. as to the causes of the unfavourable state of the exchange for Ireland. He agreed also that the question was a direct charge upon the treasury of Ireland. But he disclaimed on his own part and that of his noble friend, any intention to make a charge upon the right hon. gent, whose conduct, if brought before the house, would intitle him to its gratitude. There had been considerable misconduct in the Irish treasury, in their management of the bringing over the loan. They had departed from the usual mode, and thereby occasioned considerable loss to the public. The right hon. gent. disclaimed any idea of lowering the exchange, though the expectation had prevailed to that effect, as appeared from the full sum required having been subscribed when the exchange was lowered to par. The noble lord here read an extract from the report of the committee on the Irish currency and exchange, to shew that it was improper in the lords of the treasury to interfere with the exchange, as it would encourage jobbing, which had literally taken place in this case, persons having bought the bills and re-sold them at a profit. He should therefore vote for the proposition of his noble friend.

The *Chancellor of the Exchequer* maintained that the conduct of the Irish treasury had been correct, as it was the duty of the commissioners to provide the money for the public occasions. It was a perversion of terms to infer that the depreciation of paper had any real effect on the exchange. He allowed that the excessive issue of paper produced a depreciation. The fact was, that in each country there was a different circulating medium, and the depreciation of either could have only a nominal effect on the course of exchange. The remittance of so large a sum as four millions and a half, would have had the effect of lowering the exchange, even if the operation of the Irish treasury had not taken place. The ground of the noble lord's charge of a loss to the public, appeared to rest on a supposition, that the rate of actual exchange would have continued the whole time at 13 per cent.; but was it to be supposed the Irish treasury could have procured purchasers at 13 per cent. when they had failed at 11½? for these reasons he thought that no ground had been laid for the noble lord's motion.

Mr. *Fox* was glad to hear the right. hon. gent. allowing that an excessive issue caused a depreciation, and that the house was never again to hear the fantastical opinion that paper was not depreciated, but the value of gold raised, as well as that these evils proceeded exclusively from the restriction on the Bank. As long as the Bank paid in specie, there had been no excess, because in that case the issue carried its own remedy with it, being payable in specie. The question here was, that the new method had produced an effect which the the old method never had. Whether the loss to the public was to the extent of the difference between 11½ and 13 per cent, it was impossible to tell now, but he thought sufficient ground had been laid for the proposition of his noble friend.

Mr. *Lee* said, that having been a member of the committee upon Irish affairs, and having attended carefully to the evidence they produced, he had some good reasons to suspect the committee to have been mistaken, in having ascribed the depreciation of Irish notes to the over issuing of paper by the Bank. The issues of the Bank of Ireland were ascertained and well known; but it was the less surprising, that the paper of that company should be depreciated at

home,

home, when even the paper of the Bank of England experienced in that country a depreciation of 3½. per cent.

Mr. *Alexander* also considered the depreciation to be owing to circumstances altogether unconnected with the Bank of Ireland; for the private Bankers, even about Dublin, actually circulated notes beyond the issue of the national Bank; which, being by one of its bye-laws obliged to discount mercantile bills at one per cent. below the legal interest, gave to other Banks a great advantage over it.

Mr. *J. Latouche* expressed himself favourable to the motion, on the ground that the lords of the treasury in Ireland, by the mode they adopted in this instance, did not obtain terms for the public, which they might have done, even under the circumstance of the times. Much was certainly lost by the generally credited report, that the exchange of the two countries was to be reduced to par, and the report not having been contradicted by the Government, which was perfectly well acquainted with its existence, and its procedure deterred the merchants from coming forward on the occasion.

Mr. *Foster*, in explanation, observed, that the committee of last year, so frequently alluded to, had disapproved of the old mode of drawing bills at par upon England. The method which they seemed to point out, of having recourse to the assistance of the Bank of Ireland, had been resorted to; but they having declined all interference, the lords of the treasury, unwilling to return to the mode condemned by the committee, found themselves, by necessity, compelled to recur to a new method of their own.

Mr. *Grey* observed that, though the right hon. gent. said he had but one alternative left, either to return to the old mode condemned by the committee, or discover some new one himself, he would take the liberty of reminding him, that it was not drawing bills at par upon England which was condemned by the committee, but the attempts of the lords of the Irish treasury to lower the balance of exchange. Near 200,000l. of the loan of last year was remitted in the ordinary way, and had no bad effect. By the measure the treasury took, it placed itself in the situation of a man who should have property to sell, and should advertise that he must sell it on a particular day; the obvious consequence of which would be the depreciation of his property, from a knowledge beforehand of his necessity.

Sir *W. Pulteney* remarked, that when large sums were remitted, the exchange must be affected. The subject of the over issue had not been sufficiently investigated. As to the depreciated state of the paper of Ireland, it was a fact of which several gentlemen might not be aware, that the notes of the Bank of England were at a discount of 3 per cent. in Ireland.

Mr. *H. Thornton* thought the noble lord had not sufficient grounds for his present motion; it was not the manner of passing bills, but the quantity in the market, which was the occasion of the increase or depreciation of the rate of exchange. He was afraid that the reduction of the issue of the paper of the Bank of Ireland could not be expected at present. He was surprised that they had not taken the hint given in the report of the committee.—After this, lord A. Hamilton said a few words in reply, and his motion was negatived without a division.

[Militia Enlistment Bill.]—The *Chancellor of the Exchequer* said, the object of the measure he intended to propose was, instead of the gradual reduction of the Militia to the original establishment of 40,000 for England, and 8,000 for Scotland, to make the reduction directly, by allowing the supernumeraries now existing above that amount, to volunteer into the line. By the returns of the militia, as it now stood for England and Scotland, for he would propose nothing with respect to Ireland at present, the amount was 70,000 men. On reference to the Militia acts it appeared that the total number of 41,000 for England, and 8,000 for Scotland, were described as privates, in which description corporals were not included. It was necessary, therefore, to make allowance for corporals, who were included in the return of rank and file. The number of corporals in the force to be kept up was 2,300, making in the whole number for England and Scotland something above 1000. Consequently the difference between that and the existing force afforded something about 17,000 men to be applied to the augmentation of the disposable force. Notwithstanding the variety of opinions that existed with respect to all military measures, it was a thing agreed on all sides, that an addition of 17,000 men, to be made in a moderate time to our disposable force, would be a great and important accession of national strength in the point in which it was most desirable; he would say further, at a time when the existing circumstances of Europe rendered it likely that our disposable force could be employed with most advantage; the beneficial effects of the measure would be still heightened, because it was not merely men that would be gained for the regular army, but trained and disciplined soldiers, of a description far beyond what our regular army afforded till within these few years. The acquisition would be thus doubly valuable. Great, however, and desirable as this acquisition was allowed to be by all who expressed their sentiments on the military state of the country, he would not have desired it if he thought the measure by which he proposed to carry it into effect was of such a nature as to be attended with any serious detriment to the Militia as it now stands, or as it was allowed by law to be ultimately fixed. He was one of those who held the unabated zeal and unalienable pride of the Militia leaders as one of the best points in the country, and he should be sorry to do any thing to impair so valuable a spirit. The house and the country were called upon by the circumstances of the present moment to carry into effect the determination formed last session, that the Militia ought not to be maintained at an amount more than 40,000 for England, and 8000 for Scotland. This determination had been formed on the ground that the number of men now locked up for defensive purposes was too great, with a view to a description of force which may be employed for the defence of Ireland and the islands in the channel, and still more with respect to a disposable force, and the means of recruiting that force. The commanding officers of the militia, men of the highest respectability, had, besides, concurred that the number of militia officers could no longer be maintained consistently with the constitution of the militia. The ballot fell so heavy, and the procuring officers was so difficult, that the best friends of the militia allowed the best service that could be done to it was to reduce it to the original amount. On these considerations the house had passed an act, in virtue of which all vacancies occurring till the Militia was reduced to that standard were not to be filled up. It happened that by the remoteness from the permanent establishment, by the slowness and uncertainty in the approach to it, by the fluctuations which the occasional decrease occasioned, the strength of the battalions was liable to constant variations, and the companies continued disproportioned in their strength, so that neither could be counted upon as affording any certain force to be calculated upon for any one military purpose. This fluctuation was a further ground for the reduction, and the deficiency of officers, not merely officers properly qualified, was such that there would be not more than sufficient for the reduced establishment, there being at present above 500 vacancies for officers in the Militia. If the superfluous men were in the end to be reduced, if while they remained they were not constituted in the most advantageous manner for the public service, was there ever a case in which there was juster cause for allowing to be carried into immediate effect by volunteering, which was the ultimate object of the determination of the last session, and what was acknowledged to be most useful and desirable to the country? It was generally known from report, it was known to him from more particular authority, that there never was a period at which the militia were more desirous to give their fullest services to their country's cause, if they were permitted.—This was, in truth, the moment at which it was most desirable to bring forward such a proposition, a moment at which he would be justified in saying, no difficulty stood in the way of it, if he had not, from the communications he had with the commanding officers of the militia regiments, learned that some of them were adverse to it. Much however, as he respected the opinions of these gentlemen, he could not, in compliment to them, desist from a measure which his public duty required him to carry forward. But he would consult their sentiments and wishes in the arrangement as far as possible consistently with his duty, and it was a satisfaction to him to think, that the reduction he proposed would leave the militia still in a state in which its spirit would not be diminished, nor its character impaired, in a state altogether such that its commanders would have no reason to regret the change that would have taken place. It was not necessary in this stage of the business to go into the detail. The number it was proposed to take was 17,000, out of 68,000 that were now embodied. Thus the proportion that would be called upon to volunteer from each regiment was such, that it was not likely to deteriorate the part that remained. The greater proportion would remain, and may be composed of or may include those men for whom the officers had a predeliction. It was, indeed, a satisfaction that the militia was so constituted, that if its own officers were to chuse the men they were to retain, the remainder would be highly valuable to the army; or if the officers of the army were to select those they would take, those who would remain would be still valuable for the militia. The mode of regulating the volunteering that he proposed was, that when the quotas for the counties should be fixed, and the orders specifying the quotas they were respectively to furnish, a time, not very long, should be allowed to each officer to select those of the men disposed to volunteer, with whom he was most willing to part, and to tender them. If the men so tendered should amount to four-fifths of the quota of the regiment, the regiment should be released from all further claims. This regulation afforded the commanding officer the means of excluding all intervention that could be disagreeable to his feelings. If, on the expiration of the term allowed, the proportion of four-fifths of the quota should not be furnished, the Commanding Officer was to have the liberty of setting apart one half of the regiment to constitute the foundation of the regiment that was to remain to him: the other half was to be handed over to government to take from it the proportion of volunteers to which it was entitled, the remainder to be given back to complete the regiment. If a greater number should volunteer than Government was entitled to take, they were to be reduced to the just proportion by ballot. For example, in a regiment of 1000 men to be reduced to 700, commanding officer may set aside 500 men, to whom no offer could be made, and who were to remain to him without any disturbance whatsoever. From the other 500 government would take its quota, and the remainder was to be restored to the commanding officer, to form his regiment at the reduced establishment. Out of 68,000, the present amount of the effective Militia, 34,000 were to be set aside to remain untouched, as the foundation of the 51,000, which would form the whole of the reduced Militia. When government would have taken its proportion of the other 34,000, that was about one half, the remainder would be restored, and if four-fifths of that proportion were provided and offered at the time limited, the regiments would remain undisturbed by any further call. Thus he set out on a proposition that left no room for jealousy to the commanding officers; and whatever mode was adopted the effect could not but be desirable to the regular army. The mode he proposed seemed altogether the best calculated to meet the wishes and desires of the persons concerned. It was not necessary to enter further into the details of the measure, unless any gentleman desired information on a particular point. When the bill should be introduced, he would feel the same desire to attend to the suggestions of gentlemen as he had in framing the measure in the first instance, and above all, he should be careful not to diminish that spirit and pride which was the most beneficial characteristic of the militia, and the greatest advantage the country derived from those who devoted their attention to this valuable branch of the public force. He concluded with moving for leave to bring in a Bill for allowing a certain proportion of the Militia of G. Britain, voluntarily to enlist into his majesty's regular forces.

Earl *Temple*, before he expressed his sentiments on the subject, wished to enquire of the right hon. gent. whether any order had as yet been given by government to facilitate the receiving men as volunteers from the Militia into the regular army.

The *Chancellor of the Exchequer* in reply, stated, that he had no reason to think that any such proceeding had taken place.—Orders might, indeed, have been sent to dispatch recruiting parties to receive such volunteers as presented themselves.

Earl *Temple* resumed by arguing that this very proposition before the house was the best possible proof of the inefficiency of that Defence bill of the right hon. gent. the repeal of which he had so vehemently opposed. Formerly the militia were only to undergo a gradual reduction, and the right hon. gent. seemed to count days and months for the accomplishment of what his bill was to effect for the recruiting of the regular army. Now, however, these expectations were shewn to be completely fallacious, and, therefore, to remedy this defect, the militia were not by slow gradations, but by one blow to be reduced to the number of 40,000. This, he maintained, was grossly unjust, and totally contrary to that principle of the abolition of the ballot which the right hon. gent. held out as the grand recommendation of his bill. Here, however, the militia being reduced to 40,000, to which number it was to be kept up, the ballot, as soon as ever any vacancies occurred, must come again into operation. Hardly 24 hours might elapse before the odious exploded system of ballot would be required to keep up the militia to its full complement. The right hon. gent. had rested a great deal on the general conviction entertained of the necessity of a disposable force. He, for one, would be the last man to deny the existence of this necessity, but he did not on that account feel himself called on to admit this disposable force was to be obtained in the way now proposed. The right hon. gent. had said that never was there a moment when the ardour of the militia to volunteer into the regular army was more conspicuous. On this subject he had a few observations to submit to the house, but he would first of all refer to the pledges which the militia officers had at different times received on the subject of any future reduction. Under the former administration of the right hon. gent. a solemn pledge was given that the idea of reducing the militia, would not be again recurred to. He knew that it would not be regular in him to allude to what had passed in the other house of parliament. He might be permitted, however, to state it as a matter of history, that a noble lord (Sidmouth) in another place, who was then in administration, on moving for extending the militia to its present amount, did also give a solemn pledge that the system of the militia, should not henceforth be attacked. These two governments were now united, and he would not take upon himself to determine how much they coincided in opinion. He was much inclined to think that they agreed in nothing so completely, as in mutually forgetting their pledges to the militia officers. He had already referred to an observation of the right hon. gent. that there never was a moment when the militia was more inclined to volunteer into the regular army. While such a statement went forth to the public, it was requisite that the real state of the case should be explained. At a meeting of Lord Lieutenants of counties, and gentlemen interested in the preservation of the militia system, the right hon. gent. had assured them that every thing should be done in the gentlest manner possible, and that all pains should be taken to prevent the slightest insubordination in that part of the militia, whose limited services were to be continued. But how, in point of fact, did the matter stand? He could on this subject take on himself to assure the house on the most unquestionable authority, that means of a very improper nature had even now been resorted to, to procure volunteers from the militia, and to detach them from their colours. He had himself the honour to be colonel of a militia regiment, and he had been within these few days informed, by the officer who commanded in his absence, that recruiting parties from the 1st battalion of guards had actually appeared among the men, and endeavoured to seduce them from their present situation into the regular army. A letter had been written on this subject to the colonel of this battalion of the guards, and his answer was, "that these parties had gone down to places where militia regiments were quartered with the express view of receiving recruits from these regiments." When this was notoriously the fact, he hoped the house would hear no more of the delicacy with which the militia officers were to be treated. He would, on the contrary, maintain that such practices as those he had just alluded to were the most degrading that could be conceived to the feelings of the militia officers. The right hon. gent. had often talked of his affection for the militia; but he left it to the determination of the house how far such declarations were entitled to any degree of credit. Every one of the right hon. gent.'s acts relative to the militia seemed rather to prove that he was axious for the total abolition of the militia system. Could there be a greater proof of this than the practice to which he had referred, which, though it might not have proceeded directly from the right hon. gent. was a proof of the general disposition of government. He complained too that courts martials, as well as sentences of courts martials, were suspended. Though he allowed that this was for the purpose of applying the new clauses of the mutiny act, he could not help thinking that such a suspension at the present period was at all judicious. It had a great tendency to excite a spirit of insubordination, particularly in the militia regiments, combined with those arts of seduction, which he had felt it his duty to condemn in the severest terms. He was wholly adverse to the measure, as a direct tax on the landed interest. Every vacancy that occurred would operate as a fresh tax, and this too, after the solemn pledges to which he had referred. The Militia were now to be reduced to 40,900, but how did the house know how soon it might be reduced to 20,000, or what arts might be employed to encourage volunteering into the regular army. The noble lord here again alluded to the arts employed to detach the militia from their commanders, and touched on the pledges of the right hon. gent. to those present at the interview of which he had already taken notice.

The *Chancellor of the Exchequer* spoke to order, and thought his lordship ought not to allude to any thing which he, in the way of private communication, and to facilitate the removal of doubts and difficulties, had mentioned. He would leave, he said, to the noble lord himself to determine as to the propriety of doing so, but he must appeal to the Speaker for the order of the thing.

Earl *Temple* said, the communication was not confidential, and he thought he might therefore mention it.

The *Speaker* informed him, that in doing so he was debating a different question, and was, of course, out of order.

Earl *Temple* resumed. He conceived the proposition of the right hon. gent. which he had alluded to, was made at the time of the expedition to Holland. But the proposition, as it was now put in practice by the right hon. gent. was not only to encourage volunteering from the Militia into the line, but to hire and suborn recruiting serjeants, first to promote debauchery and insubordination in the regiments, and then to crimp a certain number of men, as best suited their purpose, leaving the remainder to the care of their officers, who would have the satisfaction of seeing returned them, out of half the number of their regiment, 150 of the mere refuse! The noble lord concluded his speech by recapitulating his former arguments, and expressing his firm and decided opposition to the present measure.

Lord *Stanley* expressed his disapprobation of the bill, on account of its injustice in so many different points; it was subversive of the constitution of the Militia regiments, and directly contradictory to the many pledges that had been given to the house, particularly by the right hon. gent. himself. He had given this pledge, as many would recollect, during a debate in 1799, and again more recently on the Defence act. From several important considerations, he must give his decided negative to the bill.

The Marquis of *Douglas* expressed his disapprobation of the plan proposed, which he considered as tending materially to hurt the militia service, and likewise to retard the recruiting for the line. That an accession to our disposable force was extremely desirous, he thought no person would be found to deny, considering that question abstractedly. But the present proposition ought to be viewed under the particular circumstances that attended it. If the house called to mind the use made by ministers of what disposable force they had possessed, with what confidence could they place in their hands the addition now called for? The right hon. gent. had stated the difficulty of getting officers. Did not this proceed from the fault of government, which had broken faith with the Militia, and had placed them in their present degraded situation? Were not this the case, abundance of gentlemen would be found ready to come forward and officer the different regiments: but the deceptions practised upon them prevented it. At one time the fear of invasion was raised, at another the necessity of foreign service. When the right hon. gent. should submit his new plan for the further degradation of the militia, he should, both from his feelings and every other consideration of the question, give it his hearty opposition. It was held out that these men were to be procured for the regular service on cheap terms; but individuals had paid the expence; and after all, with bounty, and the gratifications of the ale-houses, he really believed that the cost of a recruit would amount to more for the regular army, than by the ordinary mode of recruiting that part of the public force.

Colonel *Calcraft* said he should reserve the fuller delivery of his sentiments till a future occasion presented itself. He wished, however, to know, whether the men were to be enlisted for life, and for unlimited service. He was likewise not perfectly clear in his understanding of what fell from the chancellor of the exchequer, respecting the number of four-fifths of the recruits being made up from the Militia regiments.

Sir *James Pulteney* thought it could hardly be necessary for any person to ask for any particular reasons being given for the proposed measure, which was merely a proposition, that, if carried into effect, went to make the men more useful to the country than their present mode of service could possibly render them. Under the various limitations and restrictions that were proposed, he could not perceive that any injury would be sustained by the militia service in general. On the contrary, he was led to think, that though the battalions were less in number, they would, from the provisions of this measure, be made more effectual in point of strength, and, consequently, more useful. A great part of the safety of the country, he considered to have been owing to the steps taken with respect to the militia, in the year 1799, during the last war. Upon the whole view of the subject, he was convinced that the plan proposed deserved to be supported.

Mr. *Bastard* took notice of the three reasons alledged for the introduction of this extraordinary measure; namely, the want of men for the regular army; the scarcity of officers for the Militia, and the stated ardour of the men belonging to the Militia to volunteer for the regular army. Now, as to the 1st, he conceived it to proceed from the inefficiency of the measure adopted at the instance of the present ministers, for the augmentation of our regular army; the 2nd, he thought a very natural result of that system of tampering with the Militia, which had obtained of late years, particularly under the auspices of the right hon. mover of the proposition before the house. As to the 3d allegation, that many of the Militia were ready to volunteer into the line; the manner which seemed to have been taken to ascertain, or rather to excite that disposition, had been already stated, and animadverted upon with proper severity by a noble lord (Temple.) To what that noble lord had stated he should only say, that it appeared to him absolutely nothing less than an endeavour to excite a spirit of mutiny among the militia, to render them discontentd with the force in which they were engaged and to which they were sworn—*Flectere si nequeo superos Acheronta movebo.*—Ministers seemed resolved to stop at no expedients, to respect no boundary however venerable, no institution however sacred, to attain an object which they promised when they displaced their predecessors, to accomplish without delay or difficulty. The hon. gent. complimented the late economical and constitutional ministry, as he described them, for declining to lay a sacrilegious hand on the militia, and declared that he should rather see the militia system dissolved altogether than thus mutilated and frittered away. He conjured the house not to give way to such bills as the right hon. gent. who proposed this motion was in the habit of bringing forward. He said, the militia officers considered this as a measure of debasement, and he agreed with the noble lord who spoke last, that the difficulty of procuring militia officers was owing to the degrading situation they had been placed in, of serving as mere drill-serjeants, to raise men as militia; and the moment they became disciplined by their labour and attention, they were seduced away, and enlisted into the army. Where were all the magnificent promises made by the right hon. gent. when he brought in his Defence bill? What was become of the abusive epithets he had used of "imbecile and incapable," which he applied for the purpose of driving out the late administration, by far the most constitutional and least presuming he had ever seen? What was become of that famous bill which had put the right hon. gent. in his present place, and which was immediately to gain an army to the country? It had effected nothing, and he was compelled to resort to the militia, and to abolish his own act. As to the militia, if they were to be reduced as not wanting, they ought to be discharged. He cautioned the house not to favour too much such measures as this. He looked on the militia as the best and most constitutional defence the country could have, and as the best check against any base attempt that might ever be made by an army of mercenaries against the liberties of a country.

Mr. *Fuller* was surprised that any gentleman could attempt to thwart the wishes of those brave men belonging to the Militia, who manifested a disposition to serve their country more effectually, by volunteering for the regular army. To give full effect to such a disposition was the object of this bill, and therefore he would support it. With respect to the Militia system itself, he thought it to have much degenerated from the principle of its original establishment, and he on that account approved of its reduction. He considered ridiculous the language used with regard to the dangers of our situation. With such a force as we had, he contended that we had nothing to fear. With 500,000 men in arms, and a high-spirited people, there was only only one thing wanted, and that was, that the hon. gent. on the other side (Mr. Fox) should take his seat with the right hon. proposer of this motion, to enable us to bid defiance to, and to overwhelm all the dangers that menaced us. Those two great men united, we should soon extinguish the power that threatened to annoy us; we should soon destroy the vessels on the other side of the water; we should speedily clip the wings of the bantam Emperor.

The *Chancellor of the Exchequer* rose in reply, and spoke as follows:—I must beg leave, sir, to make a few observations upon what has fallen from some of the hon. gent. opposite. And first, in answer to the question which has been put to me by an hon. colonel, I wish it to be understood, that I mean it should be left absolutely to the commanding officer, in the first instance, to select any man whom he wishes to part with, and, that the whole management, conduct, and regulation of the business should be entirely at his discretion, without any interference or controul, provided that the men, so selected and willing to enlist for regular service, shall be of a certain size, and under a certain age; and if you shall find men of that description, equal to four-fifths of the proposed number, then no farther step shall be taken, and such regiment shall be liable to no further call. This is the first plan which I propose; but if it should not be adopted, then I mean in the second case that the commanding officer shall have it in his power to set aside one half of his regiment, and that the recruiting for general service shall only be made from the remaining half. Now, this one half, so selected, and consisting, as we may presume, of the prime men, will, after the recruiting shall have taken place, be equal to two-thirds of the regiment so reduced. Each regiment will, consequently, have a greater proportion of prime men, than it possesses at present; and, though it will be weaker in point of numbers, it will be stronger in prime men, in relation to its amount. Now, sir, as to the charge made by a noble earl (Temple) against this measure, as involving the forfeiture of a pledge, I might say, as a direct and general answer, that I do not know any one who can give a pledge to tie up parliament from any course which it may think proper to pursue. But as a man may no doubt tie himself up by a pledge, and a charge to that effect has been made against me, I say distinctly that I know nothing of any such pledge. I never gave any pledge of the kind. I am not conscious of any time or place, when or where I ever gave a pledge to that effect. I remember, indeed, that upon the occasion alluded to by a noble lord this night (Temple) that noble lord and his friends loudly condemned the converting of the militia establishment into a mode of recruiting for the line; and I then declared that it was not my intention. Now, if the noble lord and his friends means to exaggerate a conversation of that kind, and used upon that occasion, into a direct and positive pledge, I admit it. I certainly denied upon that occasion that I meant to make the Militia a mere machine for recruiting the army. I denied it then, and I deny it now, but I never gave any other pledge upon the subject. The circumstances under which a recruiting then took place are well known; they were fully explained at the time, and it was an extraordinary case, that could not effect or change the general system of the Militia. So far as to any positive pledge with which I am charged; but a noble marquis (of Douglas) has discovered a singular sort of constructive pledge which he thinks may answer the same purpose. Alluding to the bill for reducing the militia, he reminds me of having said, at the time it was under discussion, that good faith ought to be kept with the militia. The question of recruiting was not then in view, nor under consideration, so that I do not see how my observation can be brought to bear upon the present question. I said then, that its reduction, to a certain number, would be the best security, that when so reduced it would never be broken in upon again. These are the only pledges I ever gave. What other pledges the noble lords allude to, I know not. I only know what passed within my own mind, and what I have said upon the subject. As to the charge of sending officers to recruit for the line in the neighbourhood of places where militia are quartered, it will be indeed limiting the scene of recruiting for the line to a narrow compass, if every such place must be avoided. The officer, whose letter has been read, clearly did not conceive, from its contents, that he was acting wrong by recruiting in the neighbourhood of a Militia regiment. Is no officer to go into the vicinity of a corps of Militia for the purpose of recruiting? Where then is he to be sent? If a serjeant be sent out for the purpose of recruiting, he will go where he thinks he has the best chance of success. If he be a good and active person for the purpose, he will make a point of doing so, nor is government answerable for the irregularities which he may possibly commit. Government will guard, as well as they can, against irregularities, and it is their duty to provide for the carrying on of the recruiting service, in the way that shall produce the least trouble, injury, or inconvenience to the individual, or to any other branch of the public service; some irregularities will take place, which government cannot prevent. Now, sir, as to another point, I perceive an attempt made to inculcate an idea, that by this measure I am heaping a burthen upon the landed interest, and that it is a cruel and unjust tax upon the land. The land, they say, has already paid for the men's limited service in the militia, and, therefore, it is cruel and unjust to the landed interest, that this man should be encouraged to extend his service more effectually, and that without any additional expence to the landed interest. A more singular and extraordinary argument than this I never heard. If I proposed to take away a man from the militia, and that another should be provided to supply his place, there would then be some consistency in the reasoning. I remember only one argument more that has been used, and requires an answer. The noble lord (Temple) has said, that at the time we are bringing forward this measure, we have also suspended courts martial, and that for the purpose of introducing insubordination into the Militia, and destroying its discipline, to facilitate the operation of the plan which I have proposed. Now, what is the actual state of the case? Some amendments were found necessary in the Mutiny bill, and we therefore suspended the proceedings of courts martial during the progress of the bill, in order that the parties to be tried should have the benefit of the amended act. But the bill has been passed, and the persons charged with insubordination or misconduct, to whom the noble lord alludes, may be brought to trial, and punished, if guilty. Of course, there is nothing in this argument that applies to the case. With regard to the course which I would recommend, I propose, with the leave of the house, to bring in the bill this night, that it should be read a first time, ordered to be printed, and that the second reading should take place on Tuesday, when such gentlemen as are inclined to oppose it, may come prepared with their objections.

Earl *Temple*, in reply, said, that recruiting parties were sent expressly into the neighbourhood where militia regiments were quartered, for the express purpose of enticing the men to enlist, and did not take that course by chance. With regard to another point, he did not state merely that courts martial were suspended, but he complained also that the execution of sentences were countermanded in cases of trials already had.

The question for leave to bring in the bill was then put, and carried, without a division. It was then brought up and read a first time.—Adjourned.

HOUSE OF LORDS.

Friday, March 22.

[MINUTES.]—Counsel were further heard at considerable length, relative to the Scotch Appeal, Rochied *v.* Kinloch, bart. viz. Mr. Erskine, in continuation, on behalf of the Appellant; and Mr. Clark, in part, on the side of the Respondent. The farther hearing was deferred till to-morrow. —The hearing of counsel was temporarily adjourned, for the purpose of the Royal Assent being given by Commission to the Marine Mutiny Bill, to lord John Thynne's Indemnity, and to six Naturalisation Bills. The lords Commissioners were, the Lord Chancellor, Lord Hawkesbury, and Lord Walsingham.—The bills upon the table were forwarded in their respective stages. Among these, the Exchequer Bills bill; the British Sugar Duties Drawback, the Spirits Warehousing, and the following Irish Finance bills, the Stamp Duties, Postage Rates, Excise Duties, Malt Tax, Custom Duties Drawback, and the Irish Expiring Law bills, were severally read a second time.—Mr. Alexander brought up from the commons the Irish Sugar Bounty bills, which together with a few Private bills, presented by other gentlemen, were read a first time. —Mr. Irving, Inspector-General of the Customs, presented an Account of the Imports of Great Britain, for 18 years, ending 5th January, 1805.—Mr. Mitford, from the Treasury, presented an Account of the public expenditure for the last year, and of the Unfunded Debt on the 5th of January last.—Mr. Young, from the Custom House, presented certain Accounts relative to the Trade and Navigation of Great Britain, directed to be annually laid before Parliament; and certain Accounts were presented from the Post Office. These accounts were severally ordered to lie on the table. Adjourned.

HOUSE OF COMMONS.

Friday, March 22.

[MINUTES.]—The house having attended the house of lords, pursuant to a summons by the Usher of the Black Rod, the Speaker, on their return, informed them that the Royal Assent had been given by Commission to the Marine Mutiny, and Lord J. Thynne's Indemnity Bills.—Mr. Johnson, from the Chief Secretary's Office in Ireland, presented an Account of the Irish 6l. per Cent. Duties. Ordered to lie on the Table.—Mr. Irving, from the Customs in Scotland, presented an Account of the Exports and Imports to and from Scotland; and also of all Arrears and Balances in the hands of the Commissioners. Ordered to lie on the Table.—Mr. Huskisson presented an Account of the public Expenditure for the last year. Ordered to lie on the Table.—Similar Accounts with those from Scotland were presented from the Commissioners of Customs in England, and disposed of in the same manner.—Mr. Stavelly, from the Post Office, presented an Account of the Arrears and Balances in the hands of the Postmasters-General, up to the 5th of January, 1805. Ordered to lie on the table.—The Chancellor of the Exchequer moved, that there be laid before the House, in consequence of the 10th Report of the Commissioners of Naval Inquiry, an Account of the money paid in discharge of the balance of 433,000, 17s. 6d. in the hands of John Fordyce, Esq. and also of the proposals made by him, and the securities offered for the liquidation thereof. Ordered.—Mr. H. Thornton, after stating the various proceedings that had taken place in regard to the days appointed for receiving the several petitions upon both sides of the subject of this petition; the proceedings also in former petitions, the comparative number of freeholders to be enquired into, &c. &c. moved that the order for taking into consideration the remaining petition of Sir Francis Burdett against G. B. Mainwaring, Esq. on the 9th of April, be discharged; which being agreed to, he next moved that it be taken into consideration on the 23d of April.—A long conversation then took place between Mr. Fox, who thought the lists should be first given in upon the last petition; and that the 23d would be an unlikely day for a full attendance, on account of a festival on that day; Mr. Thornton, Mr. Creevey, the Chancellor of the Exchequer, and others. Mr. Thornton proposed to appoint the 25th of April, to which Mr. Creevey moved as an amendment the 1st day of June. On which the gallery was cleared for a division, which did not however take place, and Mr. Thornton's motion was agreed to. Mr. Thornton then moved, that the lists of freeholders objected to on both sides, upon Mr. Mainwairing's late petition, preparatory to the scrutiny, should be delivered in, on or before the 15th of April, which was also agreed to.

[SUPPLEMENTARY BUDGET.]——The *Chancellor of the Exchequer* having moved the order of the day for the House to resolve itself into a Committee of Ways and Means, the Secretary at War in the Chair, spoke as follows:—Sir, it is now my duty to submit to the Committee those taxes by which I propose to supply the deficiency of the Ways and Means for defraying the charge for interest on the loan, in consequence of the decision of the House in rejecting the tax upon Horses used in Husbandry, and the alteration which has taken place in the tax upon Salt, with regard to the export of that article. The estimate of the produce of that part of the tax on Salt was little short of 65,000l. and the tax on Horses employed in Husbandry was estimated at 340,000l. making together a sum of 405,000l. for which it is necessary to substitute other taxes. Feeling myself called upon to do so with as little delay as possible, it must be, obvious to the Committee, that it is not easy without sufficient time being allowed, to resort to a source of taxation founded on a distinct plan consistent with the means of providing for the deficiency, without material augmentation to the public burthens. The proposal I have to make will consist of more numerous taxes, to a small extent each, over certain articles of the Customs, and some of the Excise. I shall begin with those of the Excise. The principal article is that of Glass, on which I propose an addition of 50 per cent. to the existing duties. The duties at present paid are on the cwt. 1l. 12s. 8d. for plate glass, 8s. 2d. on what is called Streadwinter's glass, and 4s. 8d. on crown glass. The additional duties I expect will produce 80,000l.—The next article is that of Bricks and Tiles. The present duty on bricks and tiles is five shillings a thousand, which will produce 37,000l. This is an article on which there is an allowance made for bricks and tiles used for sheds and erections for the purpose of farming and husbandry, and consequently the pressure of the additional tax will be the less felt. The next article is an augmentation of the duty on Auctions—6d. in additon to the present duty on the sale of Estates, and 10d. on the sale of goods. The augmentation is 1-6th part of the present duties on the first, and 1-5th of the present duties on the second; the produce I estimate at 31,000l. The next article is Coffee. It will be recollected that when the duty was last advanced upon Tea, there was not a proportionate tax imposed on Coffee. It does not occur to me that there is any reason which applies to one of these articles, as an object of taxation, that does not equally apply to the other, except that, with respect to tea, it is an article of distinct consumption by the lower orders of the people, while coffee is exclusively confined to the higher—the additional tax I shall produce is 6d. per lb. which will produce 28,000l. The next articles fall within the description of those of luxurious consumption; they are articles which hitherto have not borne their fair share of taxation—I mean Cider and Perry, which certainly have not been taxed in proportion with other commodities. Let it, however, be understood, that I mean the tax only to apply to cider and perry made for sale, and not to extend to those places where it is the usual drink of the people, and is made by the consumer. I propose an additional tax of 10s. per hogshead. I estimate it will produce 15,000l.—There is another article which I shall propose to the Committee, because the same principle applies to it, as an object of taxation, which applies to some of the articles I have named—I mean the article of Vinegar. The produce of the additional tax is 11,000l.—There is only one other article, the consumption of which is a matter of choice and luxury, I mean Gold and Silver Wire: I propose to double the present duties. The produce will be about 5000l. I trust the Committee will be of opinion, that these additional taxes may be levied without any very great pressure upon, or inconvenience to the Public. The whole amount of their produce will be 207,000l.—With regard to the Duties of Custom, the first articles on which I propose an addition, are Slates and Stones carried coastways. It must be evident to the Committee, that if a tax is laid on Bricks and Tiles, it is necessary that a corresponding one should be imposed on those articles which may be substituted for them. I propose an additional duty of 20 per cent. on Slate and Stones. The sum I estimate this tax at is 4,400l. There are only a few other articles on which I shall propose a duty of 10 per cent. The principal are, Iron, Barilla, and Turpentine. On these articles, from the information I have obtained from persons conversant with the trade, I think I am justified in taking credit for 22,000.; on all other goods, wares, and merchandizes imported, I shall propose an addition of 2½ per cent. beyond the existing duties: the produce I estimate at 176,000l. The whole amount of the produce of the Additional Duties on Customs will be 202,400l. and those of the Excise 207,000l. making together the sum of 409,400l. The sum I want is 405,000l. so that the Committee will see that what I have taken will be more than sufficient. I shall only trouble the Committee with moving the Resolution.—The Resolution was agreed to, the House resumed, and the Report was ordered to be received on Monday.

[Legacy Duty Bill.]—Sir *Henry Mildmay* said, the tax under this bill imposed upon legacies to children, could be considered in its operation only as a tax upon landed property. If a man had 4000l. annual rent from his land, with a numerous family to support, a very small part of it would be apportioned to the younger children in the will of the parent, and those who were protected during the life of the father, under the patrimonial mansion, when they were driven into poverty by the awful event to which he had adverted, were to be rendered subject to this new imposition. Estimating their fortune at 4000l. their income could not exceed 200l. and besides the Income Tax to be deducted from this small pittance, they must make a further sacrifice the first year of 40l. Another objection to the tax was, that instead of tending to discourage celibacy, it imposed a tax upon population, and the more numerous the progeny, the weightier the burthen. The house had lately shewn the influence of its humanity towards mules and cart-horses, he hoped it would not be less indulgent towards the children of the state. The tax, in every point of view, was unjust and impolitic, and he should propose an amendment, in order that younger children might be relieved from the pressure of this imposition.

The *Speaker* informed the hon. member that no amendment could be proposed till after the house had agreed to the third reading of the bill.

Lord *George Cavendish* observed, that it would operate as a check on persons giving away property, and though there were none that reprobated more than he did the practice of giving away property to the prejudice of those to whom it properly belonged, yet there were instances when such legacies were highly proper and necessary to the discharge of the duties of humanity and gratitude. His lordship appealed to the experience of the mercantile part of the house. There were many foreigners in this country who had either made fortunes by their long industry, or inherited them from the industry of their fathers, and whose long industry here, and the habits they had acquired, had detached them from any relations on the continent. These would very naturally leave their property to the friends they had formed in this country; and it was hard, he thought, to lay such a tax on this expression of friendship. The question had not been sufficiently canvassed. He concluded, therefore, by urging the propriety of postponing the third reading, that they might have farther time to give the subject due consideration.

Mr. *Spencer Stanhope* said, he had as large a family to maintain as almost any gentleman in that house, with the exception of the hon. baronet (sir Henry Mildmay,) yet he should oppose the tax, from pure and disinterested motives. On every principle of taxation, to which he had attended, he should object that the younger children should be taxed, and that the elder should go free, who were best able to answer the public demand. It was, however, some satisfaction to him to discover, that there were various ways of avoiding this imposition; and he could assure the hon. gent. that he should not pay one farthing to the tax, from the duty he felt to provide for his family. He would say nothing of the distress of the times, of the calamities during war, of the aggravated system of taxation; he did not wish to oppose the minister, but he flattered himself, in resisting this tax, he did him an essential service. He had formerly read a book, entitled, "Private Vices, Public Benefits," and the advantages of general intoxication were insisted on in that work as a great source of national revenue. The waste and profusion of a general election were likewise contended for as conducive to the public interests, by enlarging the income of the state. It was on some such principles alone, that the present tax could be justified. The inequality of the tax was another objection. It was peculiarly directed against the ill-favoured, and against the ancient maiden, against the diseased, the lame, and the blind. These were more properly objects of pity, than of taxation. If the tax were to be imposed, the two first years of the income of it ought to be laid out in hospitals and nunneries, that the objects of it might be permitted to starve decently. He had said, the tax might be eluded. It does not extend to Irish property; and a father, by investing his money in the Irish funds, would avoid it. Again, fathers seeing the consequence of this tax, would leave the fortunes of their younger children to the duty, fidelity, and honour of the eldest, who would provide for his brethren according to the wishes of his deceased parent. Further, the father might in his dying hour dispose of his property to his children by gift, and exclude them from his will. He hoped the right hon. gentleman would not persevere in a tax directly opposed to every principle of state policy, justice, and humanity.

The *Chancellor of the Exchequer* adverted with great precision to the different arguments that had been urged against the bill; but our limits will not allow us to follow him at great length. As the house had already decided on the general principle of the bill, he did not think it necessary to go into it at so much length as otherwise he should have felt it his duty.—The noble lord opposite, (lord G. Cavendish) had objected to the clause relating to such legacies as were left to absolute strangers; but surely no part of the bill could be considered less obnoxious than that. In this case the advantage was unexpected, and it was natural to suppose that persons under this impression would part, without much reluctance, with such a portion of it as the tax required, and at any rate their claims to it must be considered much less strong than in other cases it would be. The attack which had been made on direct legacies, he conceived to have proceeded from misapprehension, or a very partial view of the subject. Much had been said of its falling heavy on the younger children of a family, but when gentlemen used this language they seemed to forget that the tax was very trifling in itself—not more than one for a hundred. Suppose a father should wish to leave to a younger child a legacy of 5000l. it would be easy for him to add 50l. to this sum for the payment of the tax, and so in proportion with any other sum, taking the addition from what would have otherwise belonged to the eldest, so that in this case the younger branches of the family are completely exempted, and the tax comes from a quarter that is best able to bear it. An hon. gentleman had supposed, that in order to evade the tax a father might be induced to leave the provision of the younger part of his family to the generosity of the oldest, but of the two alternatives he thought the one he had just mentioned the most likely to be adopted. It had been objected also to the measure, that it affected the provision made for a family at the death of the father, while any settlement made during his life was exempted. The object of the measure was certainly not to affect transactions, though the propriety of such a measure might open a wide field for discussion, but transactions were in many instances taxed *ad valorem*. It was urged that it would fall heavy on the landed part of the community, as it might be necessary often to dispose of the legacy, in order to be able to pay the tax; but a landed proprietor might always find some savings from which he could annex to the legacy the sum necessary to pay the duty. The monied man in this respect, could be at no loss, and even suppose the landed man had not the means of leaving the ready money for the purpose he had mentioned, the 50l. he still supposes the legacy at the value of 5,000l. could be raised by insurance at not more than 30s. or 40s. a year, according to the age of the person insuring. On the whole the right honourable gentleman did not think that the objections that had been stated, ought to make any impression on the house, to the prejudice of the bill.

Mr. *Grey* observed, that if he was disposed to enter at large into the bill before the house, the speech of the right honourable gentleman furnished him argument enough to prove the injustice of the tax. The general heir of landed property was exempt from its operation, whilst personal property was subject to it. He did not disapprove of the exemption, but he must say, that a direct tax on capital (as this was) would necessarily discourage that enterprising spirit in commerce which was so essential to its extension. He considered the tax also objectionable in a mixed monarchy like ours, in which the Aristocracy constituted one of the branches; but this must be sustained by property, for without it there would be little importance attached to rank. But, said the right honourable gentleman, (Mr. Pitt) landed property is not chargeable with this duty; he agreed that it was not chargeable in words; but was it not so in substance? The right honourable gentleman referred to the prudence and tenderness of fathers, and argued that they would leave the legacies to younger children free from this tax. If they did so, how was it to be done? By charging the amount of this tax on the legacies granted, to the estate of the eldest son. Thus it was evident from the words of the chancellor of the exchequer, that the operation of the tax would be eventually on landed property. He contended, therefore, that the house ought to pause and reflect seriously before it acceded to a measure, which, by indirect wording, would have the effect of a positive duty on the land throughout the kingdom. He begged to remind the right honourable gentleman, that taxes of this description had been always censured by those who had written and thought most upon subjects of this kind; it should not be forgotten that they ascribed the imposing of them to evident symptoms of a decline; this was not only true in the abstract, but confirmed by the experience of ages, and the history of those countries which fell to rise no more. But if he objected to the bill on this ground, he was still more averse to it in a political view. In a mixed government, like this, the credit of an hereditary aristocracy could only be kept up by great possessions and extensive influence. These possessions and this influence were both attacked by the bill, which, for the first time, attached to legacies of land, as well as to personal property. Such taxes had ever been condemned by the wisest political economists. They had always been considered as evidences, when resorted to, of a declining state. He hoped and trusted that such was not yet the situation of this country; but it was impossible for any considerate man to see such taxes introduced without a considerable degree of anxiety. The tax was one of the most glaring inequality. It was indeed a direct tax on misfortune, and calculated to aggravate affliction. Every fresh death called forth its operation; and it was impossible to say how often or to what amount it might be paid. The right honourable gentleman's argument, therefore, of the smallness of the sum to be paid, was altogether nugatory. He fully entered into all that had been said about the hardships to which it would subject a younger brother. The right honourable gentleman had said, that if their portion was in land they would not be called on to pay. This was mere evasion; for every one knew that small divisions of land were not nearly so valuable, and therefore the younger brothers would have a strong temptation to sell their shares, even at a very disadvantageous price. But the right honourable gentleman had further contended, that a small additional sum would cover the tax, and remove the difficulty complained of. What was this but in other words to say, that the land was to pay the tax, and if so, why did not the right honourable gentleman propose the tax in this direct form? He strongly condemned the bill, as establishing a monstrous difference between heirs by settlement, and heirs by birth and consanguinity. This was an objection which had great weight in his mind. It was contrary to every principle of justice to place those on a worse footing, who derived their rights from nature, than those which arose out of positive appointment. The honourable member then replied to the defence of the right honourable gentleman, grounded on the smallness of the imposition. He said, with much artifice the principle of this tax had been enforced upon the house, and the intention seemed evidently to be, to carry its operation much farther, so that neither the monied, nor the landed interest, could be able to ascertain what new sacrifices would be required under the pretence of supplying the demands of the state.

Dr. *Laurence* asked, whether those sums which were to be distributed among the next of kin, when there was a will, should not be liable to the tax, as well as legacies mentioned in the will?

The *Chancellor of the Exchequer* replied, that that would be a subject for future consideration.

The question was then put on the motion, that the bill be read a third time, which was carried in the affirmative.

Sir *H. Mildmay* then proposed an amendment, that all the clauses in the bill directly affecting legacies to younger children should be left out. On this a division took place; for the original motion 164—Against it 72—Majority for the bill 92.

[PANCRAS POOR BILL.]—A petition of several of the directors of the poor of the parish of St. Pancras, in the county of Middlesex, appointed in and by virtue of an act, made in the last session of parliament, was presented to the house, and read; taking notice of the bill for repealing the said act, and for making other provisions in lieu thereof; and setting forth, that the petitioners conceive the said act is adequate to every purpose of parochial regulation and building a work-house, and the powers thereof sufficiently extensive; and that the present bill has originated with only a few of the directors, unknown to the major part of such directors and the parish at large; and the same contains powers and provisions which, if passed into a law, will in many respects be highly prejudicial to the interests of the petitioners; and therefore praying, that they may be heard, by themselves or counsel, against the said bill passing into a law." Ordered to lie upon the table, until the said bill be read a second time; and that the petitioners be then heard, by themselves or counsel, against the said bill, upon their petition, if they think fit.—Adjourned.

HOUSE OF LORDS.

Saturday, March 23.

[MINUTES.]—Counsel were farther heard relative to the Scots Appeal, Rocheid *v.* Kinlock, bart. viz. Mr. Clark in continuation, and at great length, on behalf of the respondent. The farther consideration of the case was adjourned till Monday.—The Irish Promissory Notes, and Sugar Bounties Drawback Bills, were read a second time and the committees thereon negatived.—The various bills before the house were forwarded in their respective stages. Among these, the Exchequer Bills bill, the Sugar Duties Drawback, the Spirits Warehousing, the Irish Stamp Duties bill, Postage Rates, Excise Duties, Malt Tax, Custom Duties, and Expiring Laws bills, were severally read a third time and passed.—The order for summoning their lordships, for taking into consideration the 26th and 155th standing orders, with a reference to suspending the same, as far as related to the two last mentioned bills, being read; lord Walsingham addressed a few words to their lordships on the occasion. He expressed his unwillingness to come forward in such instances, save where the necessity of the case justified a casual suspension of any of their Lordship's standing orders; such a proceeding was, he conceived, necessarily called for in the present instance; he should therefore move, that the said standing orders be suspended, as far as related to the bills in question.—The Lord Chancellor quitted the woolsack, not for the purpose of opposing the motion; for that, he thought, was called for by the particular circumstances of the present case, and he was aware of the importance of the bills in question to the revenues; but, in discharge of the duty he owed their lordships, to endeavour to impress on their minds the general necessity of scrupulously adhering to their standing orders, on which so much of the dignity and correctness of their lordships' proceedings depended. On that ground, he had therefore to express his earnest hope that no similar occasion would again occur where it might become necessary to suspend the standing order of the house. Sufficient time ought to be given for the due consideration of bills in that house; and he regretted that two or three instances had occurred this session in which the standing orders had been suspended. He was aware that the calculations respecting the accounts between England and Ireland were difficult and complicated, and might probably take up much time. He repeated however his hope that a similar instance of suspending their standing orders, for want of sufficient time to go through a bill in its ordinary stages, would not again occur.—The question being put, and the special suspension ordered; the Irish Sugar Bounties Drawback, and Promissory Notes bills, were, on the motion of lord Walsingham, accordingly forthwith read a third time and passed.—Adjourned.

HOUSE OF LORDS.

Monday, March 25.

[Roman Catholic Petition.] Lord *Grenville* rose, and said, that agreeably to the notice he had given, he was about to offer to their Lordships a petition from certain of his Majesty's subjects in Ireland, professing the Roman Catholic religion. He now held the Petition in his hand, and in the first place desired that it might be read. The Clerk then read the Petition, of which the following is an authentic copy.

The humble Petition of the Roman Catholics of Ireland, whose names are hereunto subscribed, on behalf of themselves and of others his majesty's subjects professing the Roman Catholic Religion,

"Sheweth—That your petitioners are steadfastly attached to the person, family, and government, of their most gracious sovereign; that they are impressed with sentiments of affectionate gratitude for the benign laws which have been enacted for meliorating their condition during his paternal reign; and they contemplate, with rational and decided predilection, the admirable principles of the British constitution.

"Your Petitioners most humbly state, that they have, solemnly and publicly, taken the oaths by law prescribed to his majesty's Roman Catholic subjects, as tests of political and moral principles; and they confidently appeal to the sufferings which they have long endured, and the sacrifices which they still make rather than violate their consciences (by taking oaths of a religious or spiritual import contrary to their belief), as decisive proofs of their profound and scrupulous reverence for the sacred obligation of an oath.

"Your Petitioners beg leave to represent—that by those awful tests they bind themselves, in the presence of the All-seeing Deity, whom all classes of Christians adore, "to be faithful and bear true "allegiance to their most gracious sove- "reign lord King George the Third, and "him to defend to the utmost of their "power against all conspiracies and at- "tempts whatsoever that shall be made "against his person, crown or dignity; to "do their utmost endeavours to disclose "and make known to his majesty and his "heirs all treasons and traitorous conspi- "racies which may be formed against him "or them; and faithfully to maintain, "support, and defend, to the utmost of "their power, the succession to the crown "in his majesty's family against any per- "son or persons whatsoever."—"That, by "those oaths, they renounce and abjure "obedience and allegiance unto any other "person claiming or pretending a right to "the crown of this realm; that they re- "ject and detest, as unchristian and im- "pious, to believe that it is lawful in any "ways to injure any person or persons "whatsoever under pretence of their "being heretics; and also that unchristian "and impious principle—that no faith is "to be kept with Heretics—that it is no ar- "ticle of their faith—and that they re- "nounce, reject, and abjure, the opinion, "that princes excommunicated by the "pope and council, or by any authority "whatsoever, may be deposed or mur- "dered by their subjects, or by any other "person whatsoever;—that they do not "believe that the pope of Rome, or any "other foreign prince, prelate, state, or "potentate, hath, or ought to have, any "temporal or civil jurisdiction, power, "superiority, or pre-eminence within this "realm;—that they firmly believe, that "no act in itself unjust, immoral, or "wicked, can ever be justified or excused "by or under pretence or colour that it "was done for the good of the church, or "in obedience to any ecclesiastical power "whatsoever; and that it is not an arti- "cle of the catholic faith, neither are they "thereby required to believe or profess, "that the pope is infallible, or that they "are bound to any order, in its own na- "ture immoral, although the pope or "any ecclesiastical power should issue or "direct such order; but that, on the con- "trary, they hold, that it would be sinful "in them to pay any respect or obedience "thereto—that they do not believe that "any sin whatsoever, committed by them, "can be forgiven at the mere will of any "pope or of any priest, or of any person or "persons whatsoever, but that any per- "son who receives absolution, without a "sincere sorrow for such sin, and a firm "and sincere resolution to avoid future "guilt, and to atone to God, so far from "obtaining thereby any remission of his "sin, incurs the additional guilt of viola- "ting a sacrament; and," by the same solemn obligation, "they are bound and "firmly pledged to defend, to the utmost "of their power, the settlement and ar- "rangement of property in their country

" as established by the laws now in being; " —that they have disclaimed, disavowed, " and solemnly abjured any intention to " subvert the present church establishment " for the purpose of substituting a catholic " establishment in its stead;" and that they have also solemnly sworn, " that they will " not exercise any privilege, to which they " are or may become entitled, to disturb " or weaken the protestant religion or protestant government in Ireland."

" Your Petitioners most humbly beg leave to shew, that however painful it is to their feelings, that it should still be thought necessary to exact such tests from them (and from them alone of all his majesty's subjects), they can with perfect truth affirm, that the political and moral principles, which are thereby asserted, are not only conformable to their opinions, but expressly inculcated by the religion which they profess; and your Petitioners most humbly trust, that the religious doctrines, which permit such tests to be taken, will be pronounced by this honourable house to be entitled to a toleration, not merely partial, but complete, under the happy constitution and government of this realm; and that his majesty's Roman Catholic subjects, holding those principles, will be considered as subjects upon whose fidelity the state may repose the firmest reliance.

" Your Petitioners further most humbly shew, that 26 years have now elapsed since their most gracious sovereign and the honourable houses of parliament in Ireland, by their public and deliberate act, declared, that, " from the uniform peaceable behaviour of the Roman Catholics of Ireland for a long series of years, it appeared reasonable and expedient to relax the disabilities and incapacities under which they laboured, and that it must tend not only to the cultivation and improvement of this kingdom, but to the prosperity and strength of all his majesty's dominions, that his majesty's subjects of all denominations should enjoy the blessings of a free constitution, and should be bound to each other by mutual interest and mutual affection;" a declaration founded upon unerring principles of justice and sound policy, which still remains to be carried into full effect (although your Petitioners are impressed with a belief, that the apprehensions which retarded its beneficial operation previous to the union cannot exist in the parliament of the united kingdom).

" For your Petitioners most humbly shew, that, by virtue of divers statutes now in force, his majesty's Roman Catholic subjects, who form so great a proportion of the population of Ireland, and contribute so largely to the resources of the state, do yet labour under many incapacities, restraints, and privations, which affect them with peculiar severity in almost every station of life; that more especially they are denied the capacity of sitting or voting in either of the honourable houses of parliament; the manifold evils consequent upon which incapacity they trust it is unnecessary to unfold and enumerate to this honourable house.

" They are disabled from holding or exercising (unless by a special dispensation) any corporate office whatsoever in the cities or towns in which they reside; they are incapacitated and disqualified from holding or exercising the offices of sheriffs and sub-sheriffs, and various offices of trust, honour, and emolument in the state, in his majesty's military and naval service, and in the administration of the laws, in this their native land.

" Your Petitioners, declining to enter into the painful detail of the many incapacities and inconveniencies avowedly inflicted by those statutes upon his majesty's Roman Catholic subjects, beg leave, however, most earnestly to solicit the attention of this hon. house, to the humiliating and ignominious system of exclusion, reproach, suspicion, which those statutes generate and keep alive.

" For your Petitioners most humbly shew, that in consequence of the hostile spirit thereby sanctioned, their hopes of enjoying even the privileges, which, through the benignity of their most gracious sovereign, they have been capacitated to enjoy, are nearly altogether frustrated, insomuch that they are, in effect, shut out from almost all the honours, dignities, and offices of trust and emolument in the state, from rank and distinction in his majesty's army and navy, and even from the lowest situations and franchises in the several cities and corporate towns throughout his majesty's dominions.

" And your petitioners severely feel, that this unqualified interdiction of those of their communion from all municipal stations, from the franchises of all guilds and corporations, and from the patronage and benefits annexed to those situations, is an evil not terminating in itself; for they beg leave to state, that, by giving an advantage over those of their communion to others, by whom such situations are exclusively possessed, it establishes a species of qualified monopoly, universally operating in their disfavour, contrary to the spirit, and highly detrimental to the freedom of trade.

"Your Petitioners likewise severely feel, that his majesty's Roman Catholic subjects, in consequence of their exclusion from the offices of sheriffs and sub-sheriffs, and of the hostile spirit of those statutes, do not fully enjoy certain other inestimable privileges of the British constitution, which the law has most jealously maintained and secured to their fellow subjects.

"Your Petitioners most humbly beg leave to solicit the attention of this hon. house to the distinction which has conceded the elective, and denies the representative franchise to one and the same class of his his majesty's subjects; which detaches from property its proportion of political power under a constitution whose vital principle is the union of the one with the other; which closes every avenue of legalized ambition against those who must be presumed to have great credit and influence among the mass of the population of the country; which refuses to peers of the realm all share in the legislative representation, either actual or virtual; and renders the liberal profession of the law to Roman Catholics a mere object of pecuniary traffic, despoiled of its hopes and of its honours.

"Your Petitioners further most humbly shew, that the exclusion of so numerous and efficient a portion of his majesty's subjects as the Roman Catholics of this realm from civil honours and offices, and from advancement in his majesty's army and navy, actually impairs, in a very material degree, the most valuable resources of the British empire, by impeding his majesty's general service, stifling the most honourable and powerful incentives to civil and military merit, and unnecessarily restricting the exercise of that bright prerogative of the crown, which encourages good subjects to promote the public welfare, and excites them to meritorious actions, by a well regulated distribution of public honours and rewards.

"Your Petitioners beg leave most humbly to submit, that those manifold incapacities, restraints, and privations, are absolutely repugnant to the liberal and comprehensive principles recognized by their most gracious sovereign and the parliament of Ireland; that they are impolitic restraints upon his majesty's prerogative—that they are hurtful and vexatious to the feelings of a loyal and generous people—and that the total abolition of them will be found not only compitible with, but highly conducive to, the perfect security of every establishment, religious or political, now existing in this realm.

"For your Petitioners most explicitly declare, that they do not seek or wish, in the remotest degree, to injure or encroach upon "the rights, privileges, immunities, possessions, or revenues appertaining to the bishops and clergy of the protestant religion, as by law established, or to the churches committed to their charge, or to any of them"—the sole object of your petitioners being an equal participation, upon equal terms with their fellow-subjects, of the full benefits of the British laws and constitution.

"Your Petitioners beg leave most humbly to observe, that although they might well and justly insist upon the firm and unabated loyalty of his majesty's Roman Catholic subjects to their most gracious sovereign, their profound respect for the legislature, and their dutiful submission to the laws, yet they most especially rest their humble claims and expectations of relief upon the clear and manifest conduciveness of the measure which they solicit to the general and permanent tranquillity, strength and happiness of the British empire. And your Petitioners, entertaining no doubt of its final accomplishment, from its evident justice and utility, do most solemnly assure this hon. house, that their earnest solicitude for it, at this peculiar crisis, arises principally from their anxious desire to extinguish all motives to disunion, and all means of exciting discontent.

"For your Petitioners humbly state it as their decided opinion, that the enemies of the British empire, who meditate the subjugation of Ireland, have no hope of success, save in the disunion of its inhabitants; and therefore it is, that your Petitioners are deeply anxious, at this moment, that a measure should be accomplished which will annihilate the principles of religious animosity, and animate all descriptions of his majesty's subjects in an enthusiastic defence of the best constitution that has ever yet been established.

"Your Petitioners, therefore, most humbly presume to express their earnest, but respectful hope, that this hon. house will in its wisdom and liberality, deem the several statutes, now in force against them, no longer necessary to be retained; and that his majesty's loyal and dutiful subjects, professing the Roman Catholic religion, may be effectually relieved from the operation of those statutes, and that so they may be restored to the full enjoyment of the benefits of the British constitution, and to every inducement of attachment to that constitution, equally and in common with their fellow subjects throughout the British empire. And your Petitioners will ever pray, &c. Signed Shrewsbury, Waterford, and Wexford; Fingal, Kenmare, Gormanstown, Southwell, Trimlestown, &c. &c."

Lord *Grenville* again rose, and moved, that it do lie on the table. He said, it was not his intention to make any other motion at present, on a subject of so much importance; much deliberation was necessary previous to any notice being given of a motion for the consideration of the petition. When it should be thought fit to submit that proposition to the house, he assured their lordships that ample notice would be given.

Lord *Auckland* felt himself bound to say a few words before the petition was laid on the table. He declared that the nature of the petition, until this moment, had been perfectly unknown to him. He had, however, listened attentively to it while reading, and, from what caught his ear, it appeared to him that the petitioners claimed a full participation of all the rights and privileges of the other subjects of his majesty. That was a claim which merited the most serious consideration. If it were to be conceded, the consequence would be, that their lordships would see a protestant king, in this country, maintaining the protestant religion here, while it was losing its ascendency in Ireland. In Ireland, their lordships would see the protestant religion established by law, while the magistrates and legislators of the country would be Roman Catholics. He regretted that this subject had been brought forward, but since it had come under the notice of their lordships, he trusted that the question would be fully investigated. Their lordships could not now let the subject pass over, but must feel it to be their duty to discuss it minutely, calmly, and dispassionately. He would give no opinion at present; but he must confess that he saw nothing in the signs of the times that would induce him to break down the barriers, and undermine the fortifications which had been raised for the protection of the church and state. He must use these words church and state, because they presented an idea to his mind, which he never could separate from that of the constitution of the country. Having said thus much, he again expressed his hope that the business would not be suffered to lie over, but that it would be brought forward as speedily as possible.

Lord *Grenville* would not use one word of argument in support of the petition. He should only observe, that so far as it was in his power to expedite the business, it would be forwarded, and he was anxious that no unnecessary delay should take place. He also assured their lordships, that when the subject was brought forward, it should, as far as depended on him, receive a deliberate, calm, and dispassionate discussion. With regard to the merits of the petition, he would say nothing now; that was what he wished to avoid at present, even if any thing could have induced him to offer any observations on a motion for laying this petition on the table.

Lord *Hawkesbury*, after what had passed, could not permit the petition to be laid on the table, without taking the opportunity of saying a few words upon the motion. The right of petitioning he held to be so sacred a privilege, that nothing could excuse their lordships from receiving petitions from any description of his majesty's subjects. To this general proposition he knew only two exceptions: 1st, when the grievance complained of was one over which their lordships had no jurisdiction, and which they therefore could not redress. 2d, when there was something disrespectful in the form or language of the petition. The present petition, however, came not within either of these exceptions, and he therefore should not object to its being laid on the table. He concurred with the noble baron who had introduced the petition, in deprecating all premature discussion; but, if it was that noble baron's intention to bring the subject again before the House, he thought it but justice now to declare, that if any motion should be made for carrying into effect the prayer of the petition, he should then, but not till then, state his reasons for opposing any such measure.

Lord *Grenville* said, he only rose, that it might be distinctly understood, that it was his intention to bring forward the subject of the petition and its prayer to the consideration of the house, and that with as little interval of delay as the circumstances of the case would admit.—The petition was then ordered to lie on the table.

The Duke of *Norfolk* rose, to move that the Petition should be printed. He was not aware whether such a motion was conformable to the custom and usage of the house; but when he considered the importance of the subject, and the variety of assertions made in the Petition, all of which it was indispensably necessary their lordships should thoroughly investigate, he wished, if there was no order against it, to press upon the attention of the House a motion for printing the petition. He at the same time regretted, that a noble lord, holding a high situation in his majesty's most intimate councils, should have prematurely expressed an opinion inimical to the prayer of the petition.

The *Lord Chancellor* said, he believed it would be found, on the one hand, that there was no order against printing a petition, and that, on the other, there was no example of any petition having been printed. He thought that the importance of the petition demanded that it should remain on the table, for the examination of every one of their lordships, instead of being sent out of the House to be printed. —The motion was negatived.

[CONDUCT OF JUDGE FOX.] Lord *Auckland*, agreeably to the notice he had given, brought forward some farther propositions in reference to the pending case of this magistrate. After some general observations, as to the peculiar importance of the case, the necessity which existed for their lordships deciding upon it with the utmost caution and deliberation, with a view equally to the correctness of their own proceedings, as well as to the importance of the case in the way of precedent, and, adverting to the circumstance of the proceedings in the committee being adjourned till the beginning of May, against which period their lordships might be furnished with the necessary information of advice upon the point, moved to the general effect, that "the case against Mr. Justice Fox, the charges alleged, and steps taken in consequence, be referred to the consideration of the judges for their opinion of the same; and whether the case, as it stood, could, consistently with the relevant acts and usage of parliament, be farther proceeded in that house, and in that manner."

The *Lord Chancellor* did not then wish to offer any opinion as to the substance of his noble friend's motion, but he recommended that the consideration of such a proposition should be deferred for a few days. On the first view of it, they should hesitate ere they agreed to put such a proposition to the judges, as containing points upon which he, for one, perhaps, could have no doubt. He should, however, in the interval he meant to propose, pay a most sedulous attention to the precedents, and to the records on the journals. It certainly required some deliberation, as possibly, by taking such a step precipitately, they might advance further in error. After considering the proposition in a variety of legal points of view, in the course of which he deprecated the putting such questions to the learned judges without further inquiry and deliberation; he moved, that the further consideration of the motion be adjourned till this day se'nnight.

Lord *Grenville* did not mean to oppose the amendment of the noble and learned lord, but agreed in favour of a great deal of what fell from the noble lord who opened the discussion. He contended, that sooner than persist in error, they should, if found necessary, tread back their steps; and he hoped, that no fear of imputed inconsistency would deter them from doing that which they should find to be right. He thought it would be proper to take the opinion of the judges on the occasion, who, it should be recollected, had, officially, seats in that house. No objection would be urged, he thought, to the noble and learned lord's amending the language of the proposition, as he should deem proper; and, after adverting to what he conceived a difference in the line of argument then adopted by the learned lord, and what he had urged on former occasions, observed, that he should not hesitate to follow that line of conduct adopted by lord chancellor Clarendon, on an occasion nearly similar, who resorted for information and advice to that quarter, which the usage of that house, and the constitution, equally pointed out as the most eligible in such cases.

Lord *Hawkesbury* conceived, that the proceedings then before their lordships were not upon an address to his majesty, for the removal of a judge; but the question was, what proceedings should be had previous to such an address? Those proceedings, so far as they had gone, he conceived, must be either substantially right, or formally wrong; and the very learned and elaborate argument of the noble baron (lord Grenville), and the several cases which he had cited in support of that argument, were by no means in point, but were quite distinct and separate from the question before their lordships. With great respect and deference to the noble baron, he considered it rather a quibble upon the question, than an argument grounded upon sound principles and the strict justice of the case. He contended, that the proceedings hitherto had been regularly and formally right. Their lordships could pursue no other course; he, therefore, thought the consideration of the question should be postponed for some days, in order to afford an opportunity of digesting the subject.

Lord *Ellenborough* conceived that the question before the house was, not whether their lordships were to address his majesty for the removal of one of the judges, but whether their lordships would take the opinion of the learned judges, as to the manner of their future proceedings? His lordship had no objection to his learned friend's wish to postpone the consideration of the question for some days, as in truth he thought it but right they should take time upon so important a proceeding; but the impression upon his mind was that, before any address should be presented to his majesty, the question should be tried by a court of law, and Mr. justice Fox should be either found guilty, or acquitted, of the charges laid against him, by the verdict of 12 honest, and upright men. The regular proceedings should be had upon that verdict, a writ of error should be brought, and the verdict either affirmed or reversed; if the former, then the matter would come properly before their lordships. His lordship then went into some observations of considerable length, upon proceedings by impeachment, which he considered would be the most preferable mode. He expressed a strong desire that the opinion of the learned judges should be taken upon the question. It was by no means beneath the dignity of that house, or at all derogatory to their lordships' privileges, to take such an opinion. It was for such purposes the learned judges sat in that house, and he trusted their lordships would resort to them, who were so very competent to give their lordships the necessary assistance.

Lord *Grenville* then read the case of Bridgman against lord Chief Justice Holt, for the satisfaction of lord Ellenborough, which case his lordship had chiefly relied upon. The cause originated in the refusal of the Chief Justice to receive a bill of exceptions which had been tendered to him.—The question for postponing the further consideration of the matter until this day se'nnight was then put, and carried.—Adjourned.

HOUSE OF COMMONS.

Monday, March 25.

[MINUTES.] A message from the lords announced their lordships' assent to the Irish Customs bill, Excise bill, Stamp Duty bill, the Postage bill, the Malt and Spirits bill, the Sugar Drawback bill, the English Exchequer Bills bill, the English Sugar Drawback bill, the Promissory Notes bill, and the Expiring Laws bill; all without any amendment. Soon afterwards, the gentleman usher of the black rod appeared at the bar, and summoned the speaker and house to attend in the house of lords, to hear his majesty's assent given, by commission, to certain bills. The Speaker and members accordingly attended; and on his return he acquainted the house, that he had heard the royal assent given, by commission, to several public and private bills, among which were those above enumerated, as also the Irish Warehousing bills.—A person from the Stamp-office presented an account of stamp duties and balances in the hands of the collectors at this present period.—Mr. Bagwell, after obtaining leave to withdraw the Irish Election bill which he had lately brought in, moved for leave to present one more perfect. Agreed to.—Mr. Fitzgerald moved for leave to bring in a bill for regulating the Right of Common in Ireland, in the same manner as in England. Leave given.—Mr. Fitzgerald, also moved, that there be laid before the house copies of the patents under which the commissioners of the treasury in Ireland held their offices, at the time of making their returns; and the warrant or warrants issued for paying their salaries; also a list of the several persons appointed commissioners of the treasury, and the funds out of which the several payments have been made. Ordered.

[REPORT OF THE SUPPLEMENTARY BUDGET.] Mr. *Alexander* brought up the report of the committee of ways and means. The several resolutions with respect to the new taxes were read, and when the clerk came to that relating to the proposed tax upon auctions,

Lord *Henry Petty* rose, and after admitting that the other taxes proposed, were as unobjectionable as under the circumstances could be well expected, animadverted on the tax just referred to as likely to bear with peculiar hardship upon a very distressed part of the people, and therefore irreconcileable with the principle which the right hon. the chancellor of the exchequer had himself laid down on a former evening. The noble lord pressed upon the consideration of the house, that auctions were already subject to a tax of from 10 to 12 per cent. and that small traders, who generally disposed of their goods in that way, and distressed persons who were often obliged to have recourse to it, would be much affected by the proposed addition. He recommended an exemption in favour of such persons, on the same principle on which an exemption was granted under the property and other taxes.

The *Chancellor of the Exchequer* said, that he should not at present enter into a discussion of the merits of this proposition. He should only observe, that, if the noble lord's argument were adopted, it would be impossible to bring forward a tax that should be received; for no tax, however generally good, could be free from some particular objections. The objections, however, stated by the noble lord were not applicable to the general principle of this tax.—Upon the resolution being read relating to the tax on cider and perry,

Mr. *Bastard* stated, that, according to information which he had received this day, cider was, in consequence of an alteration made by the excise in the course of the last year, raised from the nominal duty of 20s. to 24s. per hogshead. With the proposed addition, therefore, it would be subject to 36s. per hogshead. He hoped, however, that the new duty would not attach to the stock on hand. If it should be so proposed, he declared his intention to oppose it.—The resolution was agreed to, as were the others, and bills ordered accordingly.

[ROMAN CATHOLIC PETITION.] Mr. Fox, previous to bringing up this Petition, addressed the house, and said, that he never rose with more satisfaction in the whole course of his life, than at this present moment, in being the instrument of presenting the Irish Catholic Petition to that house of parliament. Whatever might be the discussion which the subject of this petition was likely to give rise to, he was convinced it would afford a most satisfactory proof to every feeling mind, that the great body of Catholics in Ireland had to complain of numerous grievances, and that they meant to adopt the most respectful manner of procuring redress, by this humble application to parliament. He did not think that the present would be a proper time to make any further observations upon the subject, and he should therefore only move for leave to bring up the petition. He then stated shortly the substance of the petition; and leave being given to bring it up, Mr. Fox appeared at the bar, and brought up the petition, which was then read by the clerk (see p. 97). After it was read, Mr. Fox moved that the petition do lie on the table. On this motion being put from the chair,

Mr. *Cartwright* rose. He said it was not his intention on that occasion to enter into the merits of the question, but he could not help expressing his regret, that the subject of the petition was likely to be brought to a discussion under the present circumstances of the country. Much as he lamented what did pass upon the subject not long since, and much as he lamented the importance attached at that time to the immediate concession of the privileges withheld from the Catholics, he was in hopes no further steps would have been taken to accomplish that object, till at least there was some reason to suppose no insurmountable difficulties stood in the way of its attainment; and he could not help expressing his surprize, that the advocates for these concessions should be so anxious for a discussion, knowing as they do all the circumstances of the case, and the certainty of no success. He could not comprehend the policy or patriotism of creating a discussion, if not likely to go further, and of thus unseasonably agitating a subject of such general expectation and importance, on which the feelings of the inhabitants of Ireland were so unhappily alive, and which may lead to no small fermentation and disturbance in that country.

Mr. *Fox* said, that the hon. member had alluded to an insurmountable obstacle; but what that obstacle was, the hon. gent.

had not mentioned. He should wait to hear, upon the discussion of the measure to which the petition referred, what the nature of that obstacle was, and then he should take occasion to state his opinion respecting it. At present he should only say, that it was his intention to appoint a day for the discussion of a proposition founded on the petition. From information received, he understood that the Irish members were for the most part at present in Ireland, upon the business of the assizes, and that they could not conveniently return for some time. It was his wish to fix upon as early a day as possible; he should mention the 9th of May, but in the course of the ensuing week he should be able to state the precise day.

Dr. *Duigenan* urged the propriety of ascertaining with precision the day on which the motion of the hon. gent. would be brought forward, and hoped he would positively fix on the 9th of May for that purpose.

Mr. *Fox* had no objection whatever to that day himself, but until he had consulted those who were more immediately interested, he did not feel entitled to say that that should certainly be the day on which he would make his motion.—Adjourned.

HOUSE OF LORDS.

Tuesday, March 26.

[Minutes.] Their lordships proceeded further in the Appeal, Rocheid, esq. against Kinloch, bart. Mr. H. Erskine concluded his reply. After which the further consideration was postponed till Tuesday next.—Mr. Alexander brought up the Legacy Duty bill, and two private bills; which were severally read a first time.—Mr. Worsley, from the London Flour Company, presented the annual accounts of the Company; which were ordered to lie on the table.—Adjourned.

HOUSE OF COMMONS.

Tuesday, March 26.

[Minutes.] Mr. Rose brought up the American Neutral Trade bill, which was read a first time.—Mr. Rose brought up the bill granting to aliens abroad the same privileges in the disposal of prizes as were now possessed by the natives of the United Kingdom. Read a first time.—The Secretary at War obtained leave to bring in a bill similar to that of last year, for increasing the rates of subsistence to be paid to innkeepers and others for quartering troops, &c.—Mr. Huskisson brought up the additional Import Duty bill, and the additional Excise Duty bill, which were read a first time.—Col. Stanley presented a petition, praying that another Petition from the Duke of Athol, relative to the improvements in the Isle of Man, might be brought up. The cause of its being so long delayed was, that as it applied for a grant of public money, it was necessary to obtain his majesty's consent to it. Leave was given, the Petition was brought up, read, and referred to a committee.—On the motion of Col. Stanley, the Report of the Committee of Enquiry in 1792 on the state of the Isle of Man, and all accounts of the revenue of the Island were ordered to be referred to the same committee. It was likewise ordered, on the motion of the hon. Col. that an Address be presented to his majesty, requesting that he would be graciously pleased to cause to be laid before the house a copy of the report of the Privy Council, dated 21 July, 1804, on the former Petition of the Duke of Athol.

[Militia Enlisting Bill.] The order of the day being read for the 2d reading of the Militia Enlisting Bill,

Mr. *Hughes* rose and delivered his maiden speech in parliament. He said he was not in the habit of offering himself to the attention of the house, but the strong call of duty constrained him to overcome his natural reluctance. He admitted the present bill was less objectionable than that which had been adopted in 1799, from the modifications it had received; but as he must resist the principle of it, those variations could not reconcile him to the measure. The bill was brought forward without any ground being laid for its introduction. When the former one was submitted to the attention of the house, a case of remarkable urgency was made out, although not such a case as, in his mind, vindicated the expedient. What was the situation at that time? In the year 1799, we had a prodigious defensive force: the Militia exceeded 100,000 men, and we had a numerous body of Fencibles. On the contrary, the regular army was wasted by a protracted war; and it was under these peculiar circumstances that it was permitted to recruit out of the Fencibles and out of the Militia, under the authority of parliament. In this instance the same scheme was recommended, when the motive was gone. We were told by the right hon. the Chancellor of the Exchequer that the regular army had greatly increased; that the recruiting was active and effectual; and that his favourite act for the augmentation of the disposeable force, was soon to be brought into complete operation. Why then should we resort to this odious and obnoxious method? If the quota of 17,000 would not enter as volunteers, would the right hon. gent. disband the national Militia? Did he, after all his expressions of doubt and alarm, begin now to consider the garrison of the country as too strong? Had the fears of the nation been absurd and nugatory? Were the fleets of the enemy destroyed? Were his armies disbanded? Was his ambition annihilated? Did the invasion of this country no longer tempt his appetite for universal dominion? But there were constitutional objections to the measure. Every standing army in Europe, which menaced or destroyed the liberties of the soil by which it was supported, we were told, had its origin in a harmless militia; we ought, then, never to lose sight of that precaution, we ought never to abandon that jealousy, which would prevent such dangerous encroachments. The best officers in the militia had been disgusted by the former regulation, and had retired from the service; but it was promised no such plan would be revived. Now insult and flattery were combined, and it was vainly expected gentlemen would submit to such illusions, and patiently bear with repeated mortifications. Whenever the act of 1799 had been mentioned in that house, and it never was mentioned unaccompanied by censure, it had been defended by ministers on the ground of the necessity of the times, and a solemn pledge had been given never to recur to the same mode of proceeding. After this open breach of faith, how could we depend on any future pledge? how could we assure ourselves that when it was deemed convenient, government might not once more return to the charge and propose a further recruiting out of the 40,000 that were now allowed to exist? Under all these circumstances he should give his decided negative to the motion.

Mr. *Yorke* said, he was somewhat concerned, that several militia officers, comrades of his, had expressed themselves in such strong terms against the bill. He however agreed with those gentlemen, that some of the details were objectionable, yet he conceived the general principle was right, and ought to be adopted. The advantages were so obvious, that they seemed to require no comment: the accession of 15 or 16,000 men to the disposeable force, in these times, could by no gentleman be considered as unimportant. If he were disposed to criticise upon any thing with severity, it would be, that the measure was not before proposed. The bill directed, that the men should be permitted, from the militia regiments, to a certain extent, to enlist in the regular forces. He did think the terms were too general, and that they should not be allowed to enlist into the Foot-Guards, because these were not disposable in the same sense as the troops of the line of every other description. He had no objection to their joining the royal marines, and he thought the artillery ought to have its share. The marines were entitled to great credit. They were at this moment in want of a considerable recruit, and 5 or 6000 men would be to them a very valuable acquisition. Before he could resign the benefits this measure promised, he must be convinced of its impolicy on some constitutional principles; but, perhaps, if he discerned that the militia was likely to suffer any permanent injury from the project, he should, from his affection for it, be constrained to oppose the bill. It was on these constitutional grounds the hon. gent. endeavoured to meet it The term constitutional, it was true, was often used without any regard to its legitimate meaning: it was sometimes employed merely to express the interests of individuals, not the great scheme of national good. Whatever was consistent with the interests of some persons, was to them perfectly constitutional; whatever opposed these interests, was the reverse, and from the obscurity consequent on this personal avidity, they often entirely lost sight of the constitution. He by no means intended to apply these observations to the hon. gent.; but he would explain what he understood by the constitution, as it applied to the present question. It was explained by the common and written law of the land. This law directed every man to stand forward in defence of his country, when called upon by proper authority; and it was said, that a respectable military force is necessary to the defence of the realm. As to the number or proportion from the militia which might join the regular force, there was not a syllable on the subject in the catalogue of English law. So far was he from thinking it was prejudicial, that one should combine occasionally with the other, that he would recommend, that it should be annually proposed to the temporary to unite with the permanent establishment, to a certain limited extent. It might be asked, why he did not suggest this when he had the honour to bear a part in his majesty's councils? The opinion of administration then was, that it was more adviseable to adhere to former plans than to resort to new ones; and such a scheme at that particular moment, might have rendered it impossible to have raised the militia to the numbers required. He would broadly contend, the militia could suffer no detriment whatever; the whole was voluntary, and compulsory measures could alone be injurious. But it was said, that the feelings of the militia officers would be wounded. He could only judge of the feelings of other gentlemen by his own; and he acknowledged, that as far as his own comfort and honour were concerned in the regiment he commanded, he should be happy to see that the individuals who composed it, were anxious to offer themselves to a more enlarged service, where their discipline and gallantry would be more beneficial to their country. The scheme in 1799 had been alluded to; that must be acknowledged not only to have been a wise but a prosperous measure. At that time 500 men from the regiment in which he served joined the army, and most of them entered the 20th regiment, which had been peculiarly distinguished for the services they have rendered their country. So much he would say for feeling, and he would add, that any thing that would hurt the generous sensibilities of the officers of the militia, he should himself be the last man to endure. He could not but lament, as much as any one, if officers of merit and courage were to leave the ranks in disgust on account of this bill; but it was what he could not believe they would do, until he had the misfortune to know it from his own observation. He held in his hand a circular letter, signed by 32 field officers of militia regiments, expressive of their disapprobation of the bill before the house. Much as he respected them, he could not help observing, that of this number 18 were distinguished for their opposition to government, and he could not avoid thinking, that if certain arrangements had taken place which were once expected, if what was called a broad comprehensive administration had been formed, most of these gentlemen would have been of a very different opinion. He trusted, therefore, that as their objections were not purely sentimental, but mixed with political feelings, the effects produced by the bill would not be so considerable as had been predicted.—He did not think this plan would impose any burthen upon the landed proprietors; he thought, at least, if any were endured, it would be relieved by the provisions of the Additional Force bill, the contents of which, however, he would not affect very accurately to comprehend. One benefit, however, to the counties, was perfectly clear; they would be exonerated from maintaining the families of those men who abandoned the militia service. On the Additional Force bill he might be permitted to say, that as far as he understood it, it was unreasonable and impolitic; he thought so before, and he continued in the same sentiment; but the expedient having been resorted to, he judged it prudent to give it a fair trial. But whatever objection he might have to the general tendency of that bill, he had no difficulty in concurring with that part of it which respected the reduction of the militia; not because this force was too great, but because the relative proportions between the temporary and permanent establishments were not duly preserved. The opposition to this bill was the more unaccountable, because parliament had already decided, that the disposable force ought to be increased, and the most easy and natural means was to carry over the surplus of the militia to the regular force. Having advanced various other arguments in favour of the bill, he said, he heartily hoped it would succeed; he should give it the best support he could. He disapproved of that clause which allowed the commanding officer to cut his regiment in halves, and say, government should have one half, while he kept the other. The probability in such case was, the commander of the militia regiment would take the grenadiers and light infantry, and give government the remainder. Possibly the grenadiers and light infantry, impelled by their valour and the desire of gaining renown, might be anxious to join the regulars, in order to go to Paris to pull down the emperor of France and king of Italy. The commanding officer would, by the operation of the clause to which he referred, have it in his power to repress their ardour, and forbid their enlisting. He hoped the house would not, by rejecting the measure, run the risk of losing the means of obtaining an honourable and secure peace, and, till its attainment, a sure defence for the kingdom.

Mr. *Bastard* had always imagined that parents were ready to spring to the defence of their offspring, when attacked by any danger; but the present instance contradicted his experience on this subject, for although the augmented state of the militia was the child of the hon. gentleman who had just sat down, he seemed to stand up as its most determined enemy, and to be bent on its destruction. The effect of the bill would, he much feared, be to drive men of property and consequence out of the militia service. Should an invasion take place, he had not the slightest doubt that they would cordially unite to fight *pro aris et focis*, but he was apprehensive that nothing but the actual landing of an enemy could restore that harmony that was so desirable. For his own part, he confessed he was one of those who would be contented to see the militia remain to defend their homes, and not detached on any such Quixotic expedition as the dethroning of a King of Lombardy. If, for the mighty sum of ten guineas, for the honour and glory of being a private soldier, and for the pleasure of pulling down the King of Lombardy, men would be found willing to quit the officers under whom they had served so long, he owned that, for the credit of his country, he wished such a want of attachment should be exposed as little as possible.

Earl *Temple* said, be did not know that he should have been induced to say any thing upon the bill in the present stage of it, had it not been for the speech of the right hon. gent. (Mr. Yorke), who found so strange a method of reconciling duties so very contrary to each other, as those of a secretary at war, and of a militia colonel. The only argument for this bill, namely, that of getting a great accession to the regular army, was used by his right hon. relation (Mr. Pitt), in support of his ineffective Defence bill, which met with the decided opposition of the right hon. gent. When this measure was resorted to in 1799, there was a better ground for it than now, as a distinct object was then stated for it, and a pledge given that it should not be recurred to any more. Besides, at that time, the militia officers had only the proposition made to them of using their influence with the men to enlist for limited service in Europe, whereas now they were to be induced to enlist for life, and for a smaller bounty than before. He could not account for the motives which could lead the right hon. gent. (Mr. Yorke) in time of peace, to augment the militia to 60,000 men; and now, in time of war, and threats of invasion, to vote for their reduction to 40,000. He did not, it seemed, feel any constitutional objection to the measure; but he should have recollected that the militia was raised as a constitutional force, and for the specific object, on the faith of parliament, that they should only be employed at home for the defence of the country, without being under the control, or totally at the disposal of the crown. The militia was quite a separate establishment, and when the crown neglected it, the lords lieutenants of counties were invested, after a certain lapse of time, with the power of appointing officers. It was not raised at the expence of the crown, and was always paid by land-owners and farmers, who were at the expence of providing substitutes. It was in vain to say, that the men by this measure had the option of enlisting or remaining, as they might think proper; because every one knew that if their companions volunteered, those who refused to do the same would be looked upon as wanting in military spirit. It was, indeed, voluntary in the name, but, in fact, it was the contrary. He was one of those oppositionists, who, as a militia colonel, signed the circular paper alluded to by the right hon. gent. (Mr. Yorke); but as he was drawn into the scrape by the example of his right hon. relation on a former occasion, and he hoped, that gentleman would not refuse to take his share in the blame of it. In saying, that if an administration had been formed on a broad and comprehensive scale, the same measure would have been pursued, and no objection made to it, the right hon. gent. only assumed a fact, which he did not allow him entitled to do.

The Marquis of *Douglas* conceived the bill to be unjust in its principle, and injurious in its operation. The right hon. gent. (Mr. Yorke) had said it was not unconstitutional; he did not contend it was o, but as far as respected the constitution of the militia. The right hon. gent. had talked much about the delicacy of his feelings; but he seemed destitute of all sensibility; his military apostacy was only equalled by his ministerial apostacy.—Here Mr. Yorke, to order, represented the impropriety of using such language. The Speaker informed the noble lord that he should abstain from personalities.

The Marquis of *Douglas* said, he bowed with great deference to the authority of the chair. He then proceeded to state that the militia officers did not so much object to this measure, from feeling, as upon the constitutional ground, that by proposing this measure to them, they would be defrauding them into an acceptance of what they had no reason to expect. He himself, though by no means divested of the feelings of a militia colonel, objected to it principally from its doing injustice to the proprietors and occupiers of the land, who would by this bill be obliged to pay a second bounty for substitutes. It was fallacious to say, that all persons paid equally, and in proportion, for the army and navy. The members of the universities, and many other descriptions, were exempted from the operation of the ballots. Part also of the pay of militia men was appropriated to the maintenance of their families; but when they should enlist into the regulars, the support of their wives and children would fall upon the parishes. As a Scotchman, he said, he had to complain that the country was put to the expence of providing for 12,000 men; there were no more than 6,000 left for its defence; and none of the regulars stationed there, for their domestic protection. He heard a report, that the noble lord (Moira) who had the chief military command there, had lately resigned it, finding that all those exertions of his which had gained him the confidence, respect, and veneration of all parts and ranks in that country, were not sufficient to supply the military deficiencies. He must also object to the measure upon the ground of policy, when the alarm of invasion had not yet subsided. What chance had we of co-operating in any continental war, when we were destitute of a single ally? In his majesty's speech from the throne, the word "ally" was not even mentioned, we only ventured to speak of "confidential negociations" with foreign courts, but no effect was yet produced from it, nor did he hear of a single movement in our favour. He denied that it was the wish or disposition of the militia soldiers to volunteer in the regulars, or to part from the officers who now commanded them. His lordship concluded by saying that he spoke under the protection of that principle which sanctioned every man in advancing what he thought was the good of his country, and particularly at a time when its councils stood so much in need of uncommon integrity and equity.

Lord *Stanley* rose to make some remarks on what had fallen from a former secretary at war (Mr. Yorke), and on the inconsistency of his conduct, in the part he had taken in the present measure. He did not know how to reconcile the conduct of the right hon. gent. in approving of the present measure for the reduction of the militia, after having himself introduced a bill for augmenting that constitutional species of the national force. The noble lord defended himself, and those who opposed the present measure, from the observations of the right hon. gent. that if what he called a broad-bottomed administration had been formed, those who voted against the present bill would have given their ready concurrence to the measure now proposed. He then entered at considerable length into a discussion of the consequences of this bill, which he characterized as unconstitutional and unjust. He said, it was an attempt to increase the regular army, without ascertaining the expence. It seemed to be the object of the right hon. gent. to create a large force, without being much concerned about the means he made use of to accomplish it.

Lord *Euston* approved of the measure. The principle was that of the bill for the gradual reduction of the militia. He was one who thought that reduction necessary when proposed last session by his right hon. friend (Mr. Pitt); for he felt then, and did still feel, that there were not sufficient officers for the militia, as it stood at the increased number of 68,000. He was a militia officer himself, and should do every thing in his power to forward the objects of the measure before the house.

The *Chancellor of the Exchequer* observed that he had been anxious to hear the sentiments of such gentlemen as chose to come forward on this occasion before he troubled the house with any remarks of his own. He was happy to have the concurrence of his noble friend who had just sat down, whose attachment to the militia was well known. This approbation removed part of the regret which he had felt, because he was obliged to differ so materially from many gentlemen connected with the militia. The arguments which he heard from the other side this night were much the same as those which had been urged on a former occasion, and therefore he should not think it necessary to trouble the house at any great length. One observation he had heard with considerable surprise, and that was, that no ground had been laid for such a measure as this. The gentlemen seemed to have forgot the whole of the discussions that had taken place during this session on the state of the Army. They said that he, and those who agreed with him, had asserted, that there was no want of any increase for the army. He was in the hearing of the house, and appealed to it whether such a thing had ever been said. It had been said, certainly, that there were sufficient reasons for continuing the operations of the Defence bill for some time longer, but it had never been asserted that its efficacy was so much to be depended upon, that nothing else would be necessary. But while they thus perverted what had been said on his side, they seemed to have totally forgot what they said themselves; and, notwithstanding their clamours respecting the deficiencies of the army, they now wished to consider it as a conceded point, that no augmentation was necessary. But if there was any thing on which all parties were fully agreed, it was that the army certainly did want an augmentation; and the only difference was, respecting the means which it would be proper to pursue for the purpose of effecting that augmentation. But then it was contended by a noble relation of his (lord Temple) that a distinct object was necessary before any measure of this sort could be justified. Could it be seriously asserted that it was necessary that an expedition, like that to Holland, should be laid as the ground for this? The argument was so extraordinary that it would be wasting the time of the house to enter upon it. Yet this alone, with the exception of one, was the serious objection. That other one was the inconsistency that appeared in the conduct of the right hon. gent. (Mr. Yorke) who with so much ability, had spoke in favour of the measure. What was this inconsistency? The difference was not with regard to the object, but with regard to the means by which the object was to be attained. The right hon. gent. had disapproved of one method, but was that any reason why he should disapprove of another? Yet this was the whole inconsistency. It might as well be argued that a right hon. gent. opposite (Mr. Windham) was inconsistent in opposing this measure, though there the inconsistency was still stronger, for this measure actually adopted that very thing which was the only one like a system thrown out in the course of his speech, on a former occasion, by that right hon. gent. namely, the reduction of the militia. Then again, it was said that there was something unjust and unconstitutional in this bill. As to the constitutional part of it, this objection had been fully answered by the right hon. gent. on the same bench with him (Mr. Yorke), and the only attempt at a reply to him, merely went to confirm his statement. But then it was said, that this interfered with a pledge given by parliament, and that it was unjust to the officers of the militia, who had raised a certain number of men who were to be tied down on the defence of the country. Now his answer to that was that this would have been a most extraordinary pledge if it ever had been given by parliament, which consisted in chaining down such a number of men, so that they could not be called upon in any case of emergency. But the fact was, that the act fixed the militia to the smaller number during peace, and only empowered his majesty to call out the remainder in case of war. No pledge whatever had been given on the subject, nor could it be given, so as to be binding in all circumstances. The object was, to enable the surplus of the militia to form a better defence to the country, by being more disposable than if they had been confined to our own shores. The next objection was, the injustice done to the person who procured a substitute. All that would happen by the extension of the service would be, that the substitute would be enabled to render a more effectual service to the state. The country gained something by this; but where the loss to the individual was, he was utterly unable to conceive. But then there must be a ballot for more. The only immediate effect would be, that the vacancies in the reduced number must be immediately made up, and this certainly would not be so extensive as to come often upon the same persons who had already procured substitutes. There was, on the contrary, an advantage in the reduction to the persons who were exposed to the ballot, because the casualties in 40,000 would be much more easily filled up than if the whole number of the militia had been kept on foot. Then as to the injury to be apprehended to discipline and subordination, it was not to be denied that every measure should be taken to prevent such a mischief. The recruiting officers should be kept at as great a distance as possible. He allowed that while the measure was pending, the officers and men in the regular service would present temptations, but so far from countenancing such applications, no instructions had been sent to the regular regiments to invite the militia to volunteer. One application had been made for permission to hold out such invitations, but it had been peremptorily refused. He would venture to say further, that every thing that could be done by the military department of his majesty's govt. to prevent the irregularities apprehended, would be done. It was to be recollected, that if four-fifths of the quota were ready at the time, no further demand was to be made; and that every thing had been done, and would be done, on his part, to render the measure as palateable as possible. The particular provisions may be modified in the committee; and the setting apart one half for the foundation of the reduced regiment, was a security against deterioration. As to permitting the marines to recruit from this source, he doubted the propriety of it. As to the artillery, it was to be permitted to them. As to the guards, it was not determined, whether they should; if they were, it should not be to any extent, and with a limit as to size; but he doubted altogether, whether it would be right to open this channel of recruiting to them. The measures taken for the gradual augmentation of the regulars, had not had all the effect that could be desired or that was expected from thence, but they afforded a constant and continued supply to a considerable amount. On this ground it was desirable for the public to adopt the means of augmentation now proposed, with a view to give the utmost effect to any favourable circumstances that may arise.

Mr. *Windham* said, it was not to be supposed he had any objection to the increase of the troops of the line. That was an object so much in conformity with all the sentiments he had maintained, and so directly in opposition to all those that hac been supported by the right hon. gent who moved this measure, that it was no likely he should oppose him in it. Th right hon. gent. was now employed i taking down a part of the building which he had been so long employed in erecting He applauded the workman and he applauded the work. It was a satisfactio to find that the right hon. gent. was s good-naturedly disposed to correct ever thing erroneous he might have formerl established. Considering the length o time the right hon. gent. had formerly bee in power, considering he was now in power again, and that many wished him t remain in power, it would be to be lamented indeed if he adhered to every error h had fallen into. The right hon. gent. ha completely relieved the house from tha apprehension, for a more formal, distinct and pointed recantation of his former principles and practice could not possibly b exhibited. It was certainly a departur from his former system only in part, fo with a happy variety, it contained in i what, in the sporting language was calle "a hedge," the effect of which was, tha there was a chance the right hon. gent would at all events win. Here the ho gent. adverted to the extent to which th militia system had been from time to tim carried. The English militia was increased by the addition of the supplementary then the Scotch militia was added, an afterwards the Irish. The building wa elevated by heaping Pelion upon Ossa story on story, till it was impossible to g further. The right hon. gent. was at tha time in the militia line, he afterward opened shop for the abolition of the ballo He had, however, stuck to the old trad till it failed; he kept close to the ball till its death, and he cried out its last speec in the introduction of his parish bill—th parish beauty, in coarse russet clad, o whom he was so violently enamoured. Th ballot had not been given up till late. had been given up, however; it was foun that it increased the bounty, and that, b its means, men were not to be had f general service. Then the right hon. gen set out with a general declamation again the ballot, which he at length found o was very injurious to the service. T abolition of the ballot was one step toward that negative system, which he and h hon. friends had recommended. When being asked for their plan, they said it consisted merely in getting rid of all the impediments that checked the simple recruiting. To remove an evil was certainly the first step towards effecting good; but the right hon. gent.'s change had not this effect. Two negatives, it was said, made an affirmative; but the right hon. gent.'s second proceeding was but a further departure from his former principles and practice. His parish bill went to abolish the ballot, or at least to remove it to a considerable distance. But if that took it away, this measure gave it back. Because the parish bill removed it to too great a distance, this brought it near, so as to enable him more easily to come at it. These observations, he confessed, went more to the author of the measure, than to the measure itself; but though measures were to be judged of in themselves, yet a part of their credit was connected with the personal character of those from whom they proceeded, and therefore what he had said on this head was not improper nor irrelevant. The right hon. gent. had argued, that he and those who were of opinion with him that the regular force was too small, and the militia too large, ought to support this measure. Certainly, it would not be inconsistent in them to support it, but they were not therefore necessarily to do so. Though they argued that the militia should be reduced, and the regular army augmented, they were not therefore bound to approve all means whatsoever proposed for carrying those objects into effect. His objection to this measure was, that it did not produce advantage to the regulars in proportion as it did injury to the militia. The only difference was, that the number of men transferred would be applied to a more advantageous service. He allowed the service was more advantageous; but it was not trained men that the army wanted, and he put it to the regular officers, whether they would not prefer unexercised men to those disciplined militia, who would never make good troops. He did not say that the militia were not in every respect equal to the regulars in training; in many instances they were accustomed to equally severe discipline, but from the nature of the service there was always something hanging about a militiaman which rendered him more untractable than was consistent with the well-being of the regular service. He did not mean in this to argue that no aid should ever be taken from the militia to the line, but never without great emergency.—Another objection was much more extensive, and was founded on a remark which he had formerly made, that measures ought to be adopted wholly and not partially, as in the present instance, because the success often depended on the union of the several parts. In the plan which he had formerly proposed, the right hon. gent. seemed to have forgot that he had included service for a limited term of years, and the improvement of the condition of the soldiers. If this were adopted, people would flock to the army like bees, as long as you had a hive to receive them. He allowed that, if necessity required, he himself would be ready to take stronger steps with respect to the militia than the present, and he considered the mitigations allowed by the right hon. gent. as the most convincing proofs that the necessity of the measure was not felt.—He regarded these expedients so frequently varied, as the ruinous resources of a spendthrift prodigal, who, to supply the want of the moment, cuts down the young timber of his estate, which in a little time would be double its present value. Those ministers who had reproached their predecessors with inefficiency, had found that they could not get through their own measures for six months. The shifts resorted to from day to day, by them, was an argument for the committee he had had the honour on a late occasion to propose. He did not believe this measure was in contemplation when the parish bill was introduced, which was a proof, that the system of ministers was temporary and unstable. Thus the parish bill, which was to produce 27,000 men, of which 9000 were to be allowed to go into the regulars every year, and to be supplied again from the country, had produced about 2000, which was nearly the same proportion a tailor bore to a man. Thus, instead of the full grown man that had been promised, the country must now content itself with this miserable tailor's apprentice. The house was in fact reduced to subsist upon its votes, as a noble lord had very properly expressed it on a former occasion. The house had voted the measure of last session, in the hope that it would produce recruits for the army to a great amount. The hope had failed. Now this measure was called for with similar promises, and it was unknown what other equally infallible expedient was in reserve, if the promised hope should not be fulfilled. The measure now proposed would be attended with great inconvenience, and the officers of the militia were averse to it. He took occasion to revert to the irritation with which his hints at the propriety of reducing the militia had been formerly received. He then admonished the friends of that system, that they had less to apprehend from those who openly attacked them, than from those who afforded them a treacherous defence. (see vol. 3. p. 606). There was a Spanish proverb, which said, "protect me from my friends, and I will guard myself against my enemies." This applied well to the militia in the present instance. The right hon. gent. opposite (Mr. Yorke) had argued forcibly in support of his own sentiment on this occasion, but he allowed he had but few of his brother officers of militia with him. The question was not which opinion was right, but which opinion prevailed; not what they ought to feel, but what they do feel. When the right hon. gent. said, that 18 out of 32 militia colonels, who signed the resolutions against this measure, were actuated by party principles of opposition to ministers, he surely did not see the effect of this position; for if so large a portion of the aristocracy of the country, the rank, the landed property, and influence, were to be seized upon a distinct question of this kind, to convey their decided disapprobation of the ministers of the time, it was a pretty clear proof of the sense the best part of the country entertained of these ministers. The generality of the feeling, however, let what may be the cause of it, afforded no argument for the success of the measure. The country, notwithstanding the extraordinary success of all the measures recommended from the other side, was still extremely at a loss for a disposable force; this, with the expectation of possible circumstances in Europe to afford room for employing this force, were the reasons for resorting to that which the govt. was pledged not to recur to, except in cases of extreme necessity. The repetition of this measure went totally to change the militia from its original constitution, to destroy the principle of connection, and thus to do a vast injury to the home service, without having any thing like a permanent good effect on the army. This measure could not be made a part of a general system for recruiting the army. It was a measure of such a nature, that we could not long go on in it, but should soon come to a total stop. Our military system should be so constructed that its parts would correspond with and assist each other. The consequence of doing this thing in this case was, that one part of the existing system acted in one direction and another in the opposite. Then there was a sort of compromise, and such a compromise was most ruinous to any thing like a general system. For all these reasons, and for many others, which he could adduce, he thought himself perfectly consistent in opposing this bill.—The question being called for, the house divided—

For the second reading - 148
Against it - - - - - - 59

Majority - - 89

The bill was then read a second time, and ordered to be committed on Thursday.—Adjourned.

HOUSE OF LORDS.

Wednesday, March 27.

[Minutes.] Counsel were heard respecting the Scotch Appeal, Andrew Blane, writer to the signet, trustee for sir A. Cathcart, of Carleton, bart. v. Archibald Earl of Cassilis, and others; viz. Mr. Romilly, as leading counsel for the appellant, at considerable length.—The bills upon the table were forwarded in their respective stages; among these, the Additional Legacy Duty bill was read a second time, and committed for to-morrow; and the Committee on the bill to authorise the Oxford and Cambridge Colleges to purchase Advowsons, was postponed till Friday.—Adjourned.

HOUSE OF COMMONS.

Wednesday, March 27.

[Minutes.] Mr. Curwen gave notice that he should move to-morrow that an humble address be presented to his majesty, praying that he would be graciously pleased to order copies of the Attorney and Solicitor General's opinions relative to the rights and claims of the Duke of Athol in the Isle of Man, to be laid before the house.—Mr. Dickenson, conformably to an order of the house, presented the papers relating to Sir Home Popham; which were ordered to lie on the table.—Sir J. Newport, according to notice, made a motion respecting Irish Hospitals and Asylums for Lunatics, &c. but after some conversation on the subject between Mr. Alexander, Dr. Duigenan, Mr. Bastard, Mr. Rose, and lord Temple, the hon. baronet withdrew the motion for the present.—The Neutral and Foreign Ships bills, the Customs Duty bill, and the Excise Duty bill, were read a second time. Mr. Johnson, from the secretary of state's office in Ireland, presented an account of the sums due by the commissioners of the navy, on account of sums advanced by collectors in Ireland for seamen's wages, up to the 5th of Jan. 1805. Ordered to lie on the table.—Mr. Rose brought in the United States' Commercial Treaty bill, and the Spanish Merchandize bill; which were read a first time.—Sir H. Dalrymple presented a Petition from the Inhabitants of Androssan, in the County of Ayre, against the Corn bill. Ordered to lie on the table.—Mr. Calcraft presented a petition from the inhabitants of the parish of St. Pancras against the Poor Bill, which was ordered to lie on the table till the second reading of the bill, when counsel should be heard in support of the petition.—The Secretary at War brought in a bill for augmenting the rates to be allowed innkeepers for non-commissioned officers and privates who shall be quartered on them; which was read a first time.—Adjourned.

[IRISH SMALL NOTES BILL.] Mr. *Foster*, conformably to the notice which he gave on Monday last, moved for leave to bring in a bill to restrain the negotiation of promissory notes and Ireland Bills of Exchange under a limited sum in Ireland. The right hon. gent. observed, that he should have moved for this bill long since, but that he had waited for a silver currency, now coining, to supply the place of those small, or silver notes, as they were termed. Every person in the least acquainted with the state of Ireland must acknowledge and lament the ill effects produced by the issue of notes under 5l. in that country: the object of the bill, therefore, was to restrain the further issue of a paper medium, which has inundated Ireland, and injured it most materially in every respect.

Mr. *R. Martin* said, he was inclined, at first, to oppose the intended restriction, but he had since changed his opinion, and now approved heartily of the measure. He could not but congratulate the country in having a chancellor of the exchequer who was capable of effecting so desirable an object. He hoped, however, that the right hon. gent. would see the propriety of allowing private banks to issue small notes, on a plan similar to that recognized by parliament in England. Private banks in this country had leave to issue small notes under 5l.; he trusted, therefore, that the same indulgence would be granted to banks of the same description in Ireland, not for the benefit of the banks, but for the accommodation of the public.

Mr. *Foster* replied, that the policy of granting such a privilege to private banks, as that suggested by the hon. gent. required serious consideration; it would be competent, however, to the hon. gent. to bring forward the subject at some future period; he should not then trouble the house with any further observations, but confine himself to the object and substance of the bill for which he had the honour of moving.

Mr. *Magens* said, that as the right hon. gent. had mentioned an intention of the bank of Ireland to issue silver tokens, to relieve the necessity of silver notes, he would be glad to know the nature of them.

Mr. *Foster* answered, that, in addition to the Spanish dollars now in circulation in Ireland to a considerable amount, bank tokens of 10d. and 5d. each, in order to answer Irish currency, would be issued.—The motion was then read from the chair, and leave given to bring in the bill.

[IRISH POST ROADS BILL.] Mr. *Foster* also moved for leave to bring in a bill to amend an act, for the repair of post roads, passed in the parliament of Ireland, in the 32d of the king. The object of the amendment was, that postmasters may be enabled to send the mails by mail coaches, or otherwise, with greater safety and expedition than could be done at present, from the badness of many of the public roads, which, by the bill, should be repaired and altered, where the public convenience and advantage made it necessary.

Colonel *Bagwell* observed, that if the bill were not speedily passed, it must lie over till next year, because the money for the proposed improvement was to be assessed by the grand juries at the assizes.

Mr. *Foster* said, he did not wish to precipitate public business; but, at all events, that delay was necessary for accomplishing the object of the present measure. In the first place, surveyors must be sent to examine and measure the ground wherever improvement was to be made; the returns of the surveys would be, of course, a tedious work; hence it was obvious, that hurry would not answer the purpose on the present occasion.—Leave was granted to bring in the bill.—The right hon. gent. likewise moved, for leave to bring in a bill to amend the Irish Spirit Licence bill, as far as it regarded distillers. The right hon. gent. observed, that it might be necessary to inform the house, that the law in Ireland did not allow more than four gallons of spirits to be carried from any distillery without a permit; the consequence of which was, that Liverpool jars, containing a quantity somewhat smaller than the law specified, had been employed for the purpose of taking advantage of the act. It was not unusual to have 20 or 30 men running from one establishment with liquor thus conveyed. The object of the bill which he meant to bring in was to remedy this detriment to the revenue. Leave was granted.—Adjourned.

HOUSE OF LORDS.

Thursday, March 28.

[Minutes.] Counsel were farther heard on the Scotch Appeal, sir A. Cathcart, bart. *v.* the earl of Cassilis, namely, Mr. Clarke, in continuation, as second counsel for the appellant. The farther consideration of the case was postponed till to-morrow.—The bills upon the table were forwarded in their several stages; among these the Additional Legacy Duty bill went through a committee, and was afterwards reported.—Some private business was disposed of; after which the house adjourned till to-morrow.

HOUSE OF COMMONS.

Thursday, March 28.

[Minutes.] Col. Stanley presented a petition from the manufacturers, tradesmen, and the inhabitants of Manchester, praying for the repeal or amendment of the Corn bill, passed last Sessions. Ordered to lie on the table.—Sir John Newport brought up a bill for establishing a provisionary Asylum for Lunatics in Ireland; which was read a first time.—Mr. Curwen moved, that there be laid before the house copies of the opinion delivered by the Attorney and Solicitor-General before the Privy-Council, upon the claims of John Duke of Athol, on the Isle of Man. Ordered.—Mr. Crevey rose to make his motion respecting the claims of the Duke of Athol upon the Isle of Man. He observed, that during the last administration, an order had been made adverse to the claims of that peer, bearing date in Aug. 1802. He was desirous of knowing what gave rise to the sudden change of sentiment with regard to the claims of the noble duke, and produced a contrary order in March last. He would therefore move, "that an humble address be presented to his majesty, praying that he would direct that there be laid before the house, a copy of the order of council, of the 31st March last, in favour of the claims of John Duke of Athol." Agreed to.—Col. Stanley moved for a copy of the memorial presented to the privy council by John Duke of Athol.—Mr. Curwen rose to move for several additional papers relative to the Duke of Athol, and wished for the production of copies of all the papers of the proceedings relative to the compensation granted at the time of the sale to Government, in 1766. Mr. Rose observed, that the most regular way of proceeding would have been for the hon. gent. to have given previous notice of his motions. The speaker having acquainted the hon. member that this would have been more conformable to the rules observed by the house, Mr. Curwen named to-morrow.—Mr. Foster brought up the Irish Spirit Permit Duty bill, and the Irish Small Note Restriction bill. Read a first time.—The Innkeeper Rates bill, the Spanish Trade Licence bill, and the American Treaty bill, were severally read a second time.—The Alien Prize Ships bill, the American Goods bill, the Irish Customs and Excise Duty bills, and the Spanish Wine bill, went through a committee. In the committee on the Spanish Wine bill a clause was inserted, for imposing the same duties on Spanish red wines as on French wines, on the ground that the present cheapness of Spanish red wines was the occasion of their being made use of to adulterate port.

[Bengal Judicature Bill.] Lord *Castlereagh* pursuant to notice, moved for leave to bring in a bill to amend the act of the 33d of the king, which prescribes the powers to be given to the India company in the appointment of a commander in chief of the forces in India, and regulates the duties of the governor general in council at Bengal. In making this motion, however, he must inform the house, that it was not his intention either to make any material alteration in the forms or add considerably to the expence of the establishment. But, in the event of an exalted military character taking the chief command of the forces in the field, he thought that it would be of essential benefit to the service, and would tend to the further security of our possessions in that quarter, if the person who was to have the chief direction and management of our armies in the field should have an opportunity of sitting in the council and giving his advice or communicating his information on matters that were intimately connected with their welfare. He should therefore propose, that the commander in chief should have a place in the council at Fort William. When that illustrious personage, that noble and gallant officer, the marquis Cornwallis, was formerly in India, as the office of governor general and that of commander in chief are both united, and as he was a military man of great experience, and possessing the utmost ability, he had the direction of the councils and the management of the armies in the field at the same time, but for the latter duty he had no emolument, notwithstanding his bravery and success are known so well to have deserved the utmost compensation. By his exploits, and from circumstances which have since happened, our territories in the East have considerably increased since the time of that noble and gallant officer having first taken the field, and gentlemen need not be told that the duties of the civil govt. of our possessions in the East must consequently have become more numerous, and that it must require more time and a greater degree of attention to direct the civil affairs of the company in the East than it did at the distant period to which he alluded. And, in the event of the person whom he had already mentioned going to India, it would be of the utmost importance that the council at Fort William should have his experience and ability added to that of which it is already possessed, He therefore moved, that leave be given to amend the act which he had mentioned on introducing the subject to the house.

Mr. *Francis* then rose and said; sir, I am not aware of any objection to the provisions of this bill. The cases stated, though I hope not likely to happen, ought to be provided for. The supposition cannot be made without some painful reflections: that lord Cornwallis, on his arrival in Bengal, which cannot be computed at less than six months from this period, will find India still involved in war, and that he may be obliged to take the field in person. If that be well founded, it gives us but a melancholy prospect of the state of our affairs in that quarter. I do not perceive that the bill gives lord Cornwallis any new or extraordinary powers; and, if it did, I should not be inclined to oppose it, for two reasons; first, because I should think it not at all unlikely that the exigency of the case might require such powers; and then, because I know of no person among those who have acted in great stations in my time, whom I should be more ready to trust with great power, than my lord Cornwallis. Judging of him by all his public conduct, I am convinced that power may be safely trusted in his hands, and that he will never use it but for the benefit of the public service. If *my* voice could contribute to his honour, he should have it without reserve, for the spirit that prompts him to undertake such a task, as I know it to be, and at such a time; and if it were possible to give him support in the execution of it by any effort of mine, he might be sure of it. I am convinced that his great object will be to compose the disorders of India, and to restore peace and tranquillity to the unfortunate inhabitants of that country.—Leave was then given to bring in the bill, which was brought up and read a first time.

[MILITIA ENLISTING BILL.] On the motion being put for the house resolving itself into a committee of the whole house, on the Militia Enlisting bill,

General *Fitzpatrick* said, it was his intention to propose in the committee a clause for limiting the time of the enlistment of these volunteers. It was now 14 years since he first endeavoured to impress the propriety of enlisting for the army for a term of years. The enlistment for life, however, still continued, though he was convinced his proposition would be ultimately adopted, as the only certain mode of permanently recruiting the army. His plan was partially adopted in the volunteering from the militia in 1799, in which case the enlistment was for a definite term of 5 years, and during the war. There was no provision to that effect in the present bill, and that was his principal reason for voting against it on the second reading. He would propose in the commitee a limitation similar to that of 1799, with the exception of that part of it which restricted the service to Europe. The limitation he meant to propose was, merely for the term of 5 years, without any limitation of place.

Mr. *Ellison* said, the bill was neither unconstitutional nor unjust: and if it was the motto of the constitution neither to bend or bow, yet as the militia was but one branch of the great tree of the constitution, the militia might be constitutionally made both to bow and bend, to receive alterations, not only without violating the constitution, but so as at once to maintain it, to guard it from the incroachment of real violations, and by extending the sphere of its conservative power, to keep off the blights of time from the sacred body of the constitution. He would not admit that the bill would be a tax on the landed interest. The militia was originally, however, more a taxation on the landed interest than on any other. It was a wrong idea to suppose that the militia was raised for its own defence merely; for what would be our situation, if, on the call of danger, the York or Lincoln militia were to refuse to serve any where but in its own county? For these reasons, he thought the bill neither unconstitutional, unjust, nor oppressive. As to what was said of its being a breach of faith, it was not that, but a commutation. Still he admitted that nothing could justify the measure but the necessity of the case. With respect to men's feelings, he could only say, that he neither felt himself insulted or degraded by the bill, and should say to his men, at the head of his regiment, "Here, my lads, is a better way of serving your country, and I know you will choose the better way." He took notice of the remarks on the paper signed by the 32 militia officers, mentioned on a former night, and said, that although he was present at the meeting of these officers, he had never understood that any resolution was passed, and had never signed his name to any, although it did appear at the published resolutions of that meeting.

Earl *Temple* said, that the hon. member was certainly present at the meeting, and expressed no sort of dissent from the resolutions.

Mr. *Ellison*, in explanation, did not deny having been present, but as to the resolutions, there were, in fact, none proposed while he was present, or none which, from the confusion and uproar, he could understand. But, most certainly, he signed no resolution or resolutions whatever, and he cautioned gentlemen how they went to meetings in future, the resolutions of which might be inserted in the public journals, with their names, without their authorities.

Mr. *Frankland* thought what might be the conduct of any gent. at a private meeting immaterial in the discussion of this bill. It was stated to be one of imperious necessity; but if so, that necessity should be proved, and then every objection, though even of a much stronger nature, would give way before it. He did not suppose that it would abate the ardour of the militia officers in the defence of their country, but some great necessity should be shewn for the adoption of a measure, by which, without that, their feelings must be wounded. Under the present circumstances he must oppose it, as impolitic and unjust, although, if otherwise, he should take pride in turning over to the regulars such men as appeared most likely to obtain most distinctions in the field of battle. He could not approve the policy of this change, which could not give us an offensive force, while the threatened danger of the country required that the men should be kept at home. He was indeed sure, that the whole force and talents of the country should be concentered for its protection, but that should always be done with a proper reference to our mild constitution. In the year 1799, there existed a great political necessity, as we had then a gallant army, critically circumstanced in an enemy's country, and for the purpose of rescuing and preserving that brave army, he should not oppose any practicable method, if such could be found, of transporting not only the militia, but the whole population of the country, for its relief. This plan, therefore, did not bring an accession of 17,000 men to our offensive force, but transferred them from one branch of defensive force to another; and that in a manner calculated to produce dissatisfaction and disunion in the service. It should not be lost sight of, that in its present state, the militia was a great defensive force, created by the parliament, and so formed, as to be a check against any such improvident or ruinous enterprise, or expeditions of the ministers, if any such were meditated. To deprive the people of such a force, raised from themselves, and for their own defence, was as unjust as it was impolitic. Such varying systems, from day to day were inconsistent with the stable maxims and principles of any country, and rendered it impossible to depend upon any expectations which might afterwards be conceived of them; whereas, by adhering to some steady and permanent military system, this country, considering the spirit that now actuated it, would be enabled to keep up an army of transcendent excellence.

General *Tarleton* thought it was rather an inconsistency to call upon all the talents of the country to put the army on a proper footing, and at the same time to deny that there was any necessity for the present measure. In the third year of a war, like the present, of the most formidable description ever known, it was rather extraordinary to hear gentlemen speak as if it were a mere *guerre de pots de chambre*, as an illustrious character had denominated one of the petty civil wars of France. The effect of having a large disposeable force would be to change the nature of the war from defensive to offensive, to free the country from the apprehension of becoming itself the scene of war, a calamity which every man who was acquainted with war and the scenes that accompanied it, would wish to remove far from any place he had an affection for. This measure, if it was disagreeable to the militia colonels, was brought upon them by themselves. If they had agreed to the interchange of the services of the militia between the different kingdoms of the empire, the services of the English militia in Ireland would have set free 20,000 regular troops, hitherto locked up in that country. The militia-men, as he had convinced himself by a very close inspection, were highly disciplined, and wanted but to be accustomed a little to the regular service, to make them as good soldiers as any in it.

Sir *W. Elford* made a few observations, in answer to what fell from the hon. gent. who spoke last but one. When a measure of this sort was originally proposed in 1779, the army had not gone to Holland. A second application had been made to parliament for relief to that army, and it had been granted. The hon. gent.'s argument then, so far as it depended upon the expedition to Holland, fell to the ground. The house then divided on the speaker's leaving the chair,

Ayes - - - - - -	113
Noes - - - - - -	49
Majority - - -	64

On the re-admission of strangers into the gallery,

Mr. *Giles* was speaking on the necessity that there appeared to him to be of the bill expressing more clearly whether the Supplementary Militia bill was or was not repealed. The present measure was a partial repeal of the Additional Force act, which was itself a repeal of the act for calling out the Supplementary Militia.

The *Chancellor of the Exchequer* said, the most regular way for the hon. gent. to have proceeded, would be either to introduce any additional clauses he might think necessary, or else to move an alteration in the preamble of the bill. He, however, had no hesitation in admiting, that the act of the last sessi on had put an end to the Supplementary Militia, and that his majesty had not now the power of calling them out If the whole number that were now expected to volunteer should join the regulars, such an accession, together with the ordinary recruiting, would make them unnecessary. On the reading of the first clause of the bill,

Mr. *Yorke* felt it necessary to repeat the observations he had thrown out on a former evening. He wished that a proportion of those who should volunteer from the militia, might be added to the royal marines, and he did not wish that any of them should be allowed to volunteer for either the foot guards or the cavalry. The principle of the bill was to increase our disposable army, and he could not consider either the cavalry or the foot guards as equally disposable with the regiments of the line. He allowed that the guards were a very fine body of men, but it had not been the custom to employ them in colonial service, like the marching regiments; besides, their number was now nearly complete. He also thought that a proportion of them would be well employed in the royal artillery. He therefore moved as an amendment to the clause, that, instead of the words "his majesty's regular forces," should be inserted the following, "the regiments of the line, royal artillery, and marines."

The *Chancellor of the Exchequer* did not at all object to a proportion of the volunteers going into the royal marines, but he thought it would be better to leave a discretionary power in his majesty to settle what that proportion should be. He also agreed with the right hon. gent. respecting the cavalry, and admitted that the power of sending them into that description of force should be very sparingly used; but he did not wish that it should be excluded altogether. Neither did he wish that many of them should enter the guards, although he must remark, that in all the recent wars the guards had very much distinguished themselves. They had not only fought in Flanders, Germany, and lately in Egypt; but in a former war they had been sent to North America. He therefore considered them completely as disposable troops; he then, in compliance with the suggestions of the right hon. gent. agreed, that the words "Battalions of Royal Artillery and Marine," should be added after the words "Regular Forces," in the clause. The clause as so amended was agreed to. On the clause for allowing the militia officers to select the men they wished to keep in the regiment;

Mr. *Yorke* could not agree to this clause. He neither wished to make the militia inefficient by taking all their best men from them, nor did he think it right that only the worst should be sent to join the disposable force. What appeared to him a proper medium, would be to allow a certain proportion only, suppose a third or a fourth, of the flank companies and front rank men to enter into the regular service. Should more of them volunteer, he thought it would best be determined by ballot, who should be accepted; he thought it would be an extreme hardship to tell a brave soldier, who was desirous of honour, You must not volunteer or get the bounty, because you are a good soldier and a credit to the regiment, but such a man may volunteer, because he has been inattentive to his military duties, and is rather a disgrace to the regiment. For these reasons he could not agree to the clause as it stood.

The *Chancellor of the Exchequer* said he had introduced this clause for the purpose of meeting, as far as possible, the sentiments of the militia officers, and was convinced, that in whatever mode a considerable number of the militia could be brought to volunteer, they would still be a most valuable accession to the regular army. He wished to give a discretionary power to the militia officers to make the selection as they thought proper, he did not wish them to part only with their worst men. He concluded by moving as an amendment, that after the word "chuse," should be added these words, "by ballot or otherwise." Sir James Pulteney, Lord Temple, General Norton, and Colonel Stanley, were for giving the militia officers the power of selecting. General Tarleton thought it of much more consequence that the best men should be sent to the disposable force, than that they should stay in the militia regiments. The Chancellor of the Exchequer expected that when the legislature had once pronounced their opinion on the subject there would be an honourable emulation among the militia officers, to send good and efficient soldiers to the regular army. This clause was then agreed to, as was another, which provided that if a sufficient number did not volunteer out of the half set apart by the militia officer, the deficiency should be made good out of the remaining part of the regiment. —On the clause which mentioned general service for life;

General *Fitzpatrick* rose, and moved as an amendment, that the term should be for 5 years, or until 6 months after a definitive treaty of peace. He grounded his argument, not only on general reasons, but on the conduct of government to the militia in a similar case, in the year 1799.—This motion produced a very long and desultory conversation, in which lord Temple, Sir James Pulteney, general Norton, colonel Stanley, general Tarleton, and sir W. W. Wynne, took a share.

Mr. *Fox* said that he was a friend to the clause that provided for the service being limited, instead of being for life, because it was founded on principles of justice, and agreeable to the spirit of the constitution of this country, and not repugnant to any military principle whatever; and when he should have an opportunity of giving a vote upon such a question, he should never give it for enlisting men for life; yet he wished his right hon. friend on this occasion not to take the sense of the house, because as this was a limited and partial question, many might be against this particular clause under all the circumstances of the case, who might approve of the principle, and adopt it on another, and what might appear to them a more fit occasion; and he did wish that the majority against such a principle should be greater in appearance than reality. He hoped his right hon. friend, than whom nobody was more capable, would take some opportunity of bringing this subject before parliament, and he hoped that as it was a point on which military opinions were divided, as he now heard, the question would be fully considered by parliament, since we were almost, if not altogether, the only power in Europe which supported its military establishment by enlisting men for life, and we were the very last that ought to adopt such a system, because it was wholly repugnant to the true principles of the constitution of this country, on which its glory and consequently its real interest was founded.

The *Chancellor of the Exchequer* observed on the general question which had been just alluded to: and remarked that the opinions of military men were much divided on the subject of enlisting soldiers for a term of years, instead of for life. Many military characters of the first estimation thought it would be attended with consequences highly injurious to the service. They also thought it impracticable during war. He did not now argue the point, but merely mentioned it, as a matter of great and serious difficulty at any time, and so doubtful in policy, that he should feel himself under the necessity of opposing such a measure whenever brought forward. No analogy could be drawn from the practice of foreign countries; none of them were under circumstances similar to this.

Mr. *Fox* said, that as to its being a measure which could not be adopted in time of war, nothing was more easy than to include in it a provision that none of the men should be discharged during war; and indeed this very thing was done in one of the bills brought in last war by the right hon. gent. himself; but that was of little importance, for the right hon. gent. had no respect for his own bills.

General *Fitzpatrick* observed, that in the clause he had offered, he copied the very words to be found in one of the bills of the chancellor of the exchequer last war; but, however, he should follow the advice of his hon. friend, and withdraw the clause.

Earl *Temple* proposed a clause, subjecting every person, who shall unfairly enlist any man out of the militia, to a penalty of 20l. or in default of payment, to imprisonment, not exceeding three months, nor less than six weeks.

The *Chancellor of the Exchequer* opposed it, on the ground that it might give birth to hardships upon serjeants, and other recruiting officers, for having offered money to a man in a public house, &c. which would be injurious to the service, and no advantage to the public. Government would take care, that as few abuses as possible should take place in the practice of enlisting.

Mr. *Ellison* thought there ought to be some security against the recruiting serjeants tampering with men.

The *Chancellor of the Exchequer* said, the best security against that was, that both the labour and the money would be lost, if any thing of that nature took place, because unless he was fairly enlisted, he could never be attested.

Sir *W. W. Wynne* said, that without such a clause as this in the act of parliament, there could be no security whatever against mal-practices in this respect. They could not depend on the orders of the executive government in such cases.—The militia ought to be protected against that most dangerous animal, a recruiting serjeant.

Mr. *Bankes* expressed an intention to offer a material amendment in the bill in another stage.—The committee went through the bill, and the house being resumed, the report was received immediately, and was ordered to be taken into further consideration to-morrow, and the bill with the amendments, was ordered to be printed.—Adjourned.

HOUSE OF LORDS.

Friday, March 29.

[UNIVERSITIES ADVOWSON BILL.] The order being read for their lordships going into a committee on the bill, to repeal so much of the act of the 9th of Geo. II. as went to restrain colleges in the Universities of Oxford and Cambridge from purchasing the advowson of livings;

The Duke of *Norfolk* rose to oppose the proceedings. He thought adequate reasons should be given to induce the legislature to depart from a regulation which the wisdom of their ancestors thought a salutary provision. Their lordships would recollect that the act which the present bill went to repeal, in one of its most important provisions, took place principally at the instance of that great and good magistrate and minister, lord Hardwicke. If the measure was a wise and salutary provision then, why, he would ask, was it now unwise and injurious?

The Bishop of *Oxford* contended generally for the injurious tendency of the restraint, under the circumstances in which the members of the universities now stood. The present proportion of livings was by no means adequate to the ends of the institution. It did not exceed a moiety of the number of the members, and at least he thought the number of livings should be rendered equal to the number of individuals to be provided for, and which may be done by means of the bill. The law, as it at present stood, operated in an inconvenient, and, in some respects, a very injurious manner. The measure in question would, he thought, contribute to improve the discipline of the universities, and materially to promote the interests of learning. His lordship also alluded to the ill effects of the present slow successions to the livings. With respect to the provisions of the bill, he should have some amendments to propose; but seemed to say they were not such as would materially alter them.

Lord *Sidmouth* was of opinion that some farther time should be allowed noble lords to inform themselves, and to make up their minds upon a measure of such peculiar importance. The restraint, undoubtedly, was, as the noble duke observed, sanctioned by that great authority, lord chancellor Hardwicke. What he heard from the rev. prelate did not make up his mind as to the necessity of a legislative provision, at least, to the full extent of the present bill. Admitting the succession to livings, under the restraint, may be too slow, they may also, on the other hand, be too quick; nor did he conceive, that the interests of learning would be materially benefited by the alteration; as, through it, members might be taken from the university at too early a period, and before their literary acquirements had attained the necessary degree of weight and solidity. Neither could he see how the discipline of the universities would be ameliorated by the present bill. With respect to the proportion of livings, on which much stress had been laid, an increase of that, suppose two thirds, of the number of persons, may be a proper subject for discussion. All he would propose at present was a little delay in the progress of the bill, in order to afford time for maturely considering the subject.

The *Lord Chancellor* saw no objection to the postponement desired by his noble friend, but he considered the subject of the greatest importance, and worthy the most serious consideration. It embraced a variety of important topics, on many of which questions might arise. It may be matter of discussion, whether the income of livings should be augmented from the estates and other resources of the universities; or whether, and how far the number of livings may, with reference to the important objects they all had in view, be increased. The result of his own experience on part of the subject was, that, under the present limitation, the number of livings was too small; in what proportion and in what manner these should be increased, was matter for serious consideration.

Lord *Auckland* confessed, that in his present view of the subject, he was, generally speaking, favourably disposed towards the bill, as he was to every thing that proceeded from the reverend prelate who introduced it: however, he thought some degree of information on the subject necessary, as at present they were totally in the dark as to the means which the universities now possessed of remunerating their members, as to the number and value of the livings in their disposal, or other resources for that purpose. He should, therefore, suggest the expediency of the information such as he alluded to.

The Bishop of *Oxford* replied at some length, and enlarged upon and enforced the leading topics which he before urged in favour of the bill; which, however, he had not the smallest wish to hurry through the house. He would appeal to their lordships as to the great importance of education; to which the present bill went to afford a boon; one which the legislature of the country should not grant with a niggardly hand. He was impressed with the conviction that the bill would produce the most salutary and desirable effects; and, adverting to what had fallen from noble lords on the score of modification, he hoped that principle would not be too far acted upon.

Lord *Sidmouth*, in explanation, indicated his attachment to the genuine interests of learning; and observed, that his idea was, that were the limitation taken away, the succession to livings, in some instances, might be too rapid. He concluded by proposing, that the committee on the bill be deferred till Tuesday next.

The Duke of *Norfolk* explained, that he was not against all alteration of the present system. He was too well aware of the importance of education; but he entirely coincided with a noble baron in his idea, that some information should be laid before the house, as to the proportion, number, and value of the livings. He contended for the necessity of some information on the subject, with which idea he was so far impressed, as to propose, in order to allow full time to collect it, that the committee on the bill should be postponed until Thursday the 2d of May.

Lord *Redesdale* argued for the propriety of having information upon the subject, to enable the house to form a just decision upon the subject, and to pursue the right line of discrimination. He agreed with the noble and learned lord on the woolsack as to the different important questions which the subject involved. He was aware of the difficulties which, in some points of view, existed, as with respect to procuring satisfactory information; but what the house would have principally to consider was the general policy of the measure, and to what extent it might be expedient to authorise the conveyance of livings from private patronage to that of the universities, and the proper ratio, as far as such was practicable, to be established with respect to the successions.—After some farther explanatory conversation, the committee on the bill was adjourned till Thursday next, and the lords ordered to be summoned for that day.

[STATE OF THE NAVY.] The order of the day having been read,

Earl *Darnley* rose, and expressed his regret that the motions which he was about to submit to their lordships, had not been brought forward by an illustrious duke, who was so much better qualified to give effect to them. The task, however, having fallen upon him, he would endeavour to explain the reasons for which he was induced to move for a variety of papers necessary, in his opinion, to elucidate the important question, which would be shortly submitted to their lordships, and in doing which, he would occupy as little of their time as possible. He was anxious to have it understood, that in bringing forward the business, he was actuated by no motive of a personal nature towards the noble viscount on the head of the naval department. No, his motives were of a more honourable character. They sprung from his anxiety to promote and maintain that establishment, upon which the safety, the honour, and the very existence of the country depended. If the essential and important reforms which had been proposed, and which were begun to be acted upon, should be carried gradually into execution, for he would admit they could not be at once, he had the best authority for asserting, that the navy might be kept up without resorting to the private yards, but that a considerable annual addition might be made to it. Unfortunately for the country, the persons who had the superintendance of the naval department at present, seemed to have come into office upon the specific pledge of wholly reversing the system of their predecessors. Economy and arrangement in the king's yards, the great objects of that noble lord, who lately presided at the admiralty, were either slighted or neglected by those who succeeded him, and the important reforms which he had suggested, which he had partially executed, and which he would have completely effected as soon as peace should be restored, appeared to have been totally abandoned. As a fitter opportunity would arise for discussing that important subject in all its considerations, he would not enter upon it at present, but having stated the general grounds upon which he brought forward his motions, proceeded to read the whole of them to their lordships. The motions with which he would trouble their lordships were, first, for "A list of ships which have been fitted, or refitted, between the 8th March 1803, and the 15th May 1804, shewing when each was taken in hand, and when completed." To this he presumed there would be no objection, as it was one of the motions made by the noble viscount at the head of the admiralty, with the addition of the period during which the ships were refitted.—His next motion would be for "A list of such ships as have been docked between the 8th March 1803, and 15th May 1804, specifying the time when docked and undocked." This was the same made by his lordship, with the addition of the period.—He would next move for "A list of his majesty's ships on commission, which were built in the merchants' yards, specifying the time when launched, their cost, and the sums which have since been expended on them, and at what periods." It would appear from this account, that in general the ships constructed in the merchants' yards were obliged to be repaired within the short period of four years after they were launched.—His next motion would be for "A list of his majesty's ships in commission, which were built in the king's yards, specifying the time when they were launched, their cost, and the sums which have been since expended on them, and at what periods." The reason for which he would move for this account, was to shew how few ships there were actually in commission which had been built in the king's yards, and their durability compared with the ships built in the private yards.—His next would be for "An account of the principal articles of naval stores in the king's yards, on the 18th Feb. 1801, 15th of May 1804, and at this time, or as near to the said periods as can be collected from the returns. The quantities of rough and sided timber to be separately stated, and the foreign timber distinguished from the English." This was also one of the noble lord's motions, with a trifling addition. He was anxious that the quantity of timber should be distinctly stated, because there is a great fallacy in the account when the sided timber is returned with the rough, amounting, as he understood, to nearly one third.—His next would be for "An account of the principal articles of naval stores due on contract, according to the latest returns from the several yards; and also on the 18th Feb. 1801, and the 15th of May 1804; the foreign timber to be separately stated from the English, and the rough timber from the sided." The substance of this motion was included in one made by the noble lord, but he thought it necessary to be rather more specific in the account he should call for, because he was anxious that the English timber should be distinguished from that which was to proceed from any contracts that had been made, to import from Holstein, or elsewhere.—His next motion would be for "An account shewing the number of months which the hemp, and spars for masts and topmasts, in store in the 15th of May 1804, would last, according to the average consumption, during the late war; and also how many months that which is due on the contracts would last." It would appear from this account, he could assert, from the best authority, that there was nearly 18 months consumption in store, and that a quantity equal to the consumption of 12 months had been contracted for.—He would next move for "A copy of the order from the admiralty to the navy board, dated in January 1776, for keeping a three year's stock of timber in the dock-yards."

Lord *Walsingham* rose to order, and suggested whether it would not be proper for the noble lord to have the sense of the house taken on his first proposition, before he should proceed to read and comment upon the long series of motions which he intended submitting to their lordships.

Earl *Darnley* thought it would save their lordships much trouble, if he should proceed to read them, instead of having the question put upon every one of them, which he should find himself under the necessity of doing, if he were prevented from following that course which he had adopted, as likely to least delay their lordships.

Lord *Melville* thought it would be best to let his lordship proceed, and explain at once the purport of all his motions, as he hoped to be able to satisfy the house, that there was no real necessity for acceding to any of them.

Earl *Darnley*, then moved for "A copy of that part of the report made by the commissioners of the navy who inspected Chatham dock-yard in 1785, which has reference to the supplies of timber sent into that yard, and into the yards of Deptford and Woolwich." In that report it would, he believed, appear, that the building of ships of war by contract, impeded considerably the service of the king's yards, as it prevented supplies of timber from being offered to them.—His next motion would be for "Copies of the reports made by the purveyors of Sherwood Forest, dated 18th Nov. 1797, and 4th Dec. 1802; also an account, shewing the number of trees which have been felled in that forest, for the use of the navy, since the period first mentioned; specifying when the navy board made application to the treasury for the fall of the said trees." This would establish the fact, that the whole forest had been suffered to rot, notwithstanding the report of the purveyors, till the year 1803, when a fall of 8000 trees was made; and during that time the very ships building in the king's yards were rotting for want of timber to complete them.—He would next move for "A copy of the letter from the navy board to their purveyor of Sherwood Forest dated 20th Nov. 1797, declining the offer of timber made by Mr. Shaw, of Trowel." In this letter he understood they declared they would be in no want of timber for the following year.—His next motion was "For an account shewing the lowest meetings, and size of oak timber, allowed to be received into his majesty's dock-yards, on the established contracts since 1776, and the lowest meetings, and size of timber which is applicable to the building of frigates and sloops of war." This would shew the shameful prodigality which had taken place in the employment of timber in the king's yards, where none was received but such as was applicable to the construction of ships of the line, or 50-gun ships. The consequence of this practice is, that frigates and sloops are built and repaired with it at a most exorbitant expence, there being none received of the sizes adapted for the smaller classes of ships.—His next would be for "An account shewing the quantity of sided timber converted in Deptford-yard, in Oct. Nov. and Dec. 1804; and in Oct. Nov. and Dec. 1803, specifying the number of trees which were found to be sound, and the number which were found to be defective in each month." One half of the trees in that yard, in 1801, were rotten and defective. The salutary regulation of a timber-master took place about that period, and the consequence has been, that the timber which has been received since that period has been good and serviceable.—He would next move for "An account shewing the sums of money which have been advanced as loans by the navy board to Mr. John Larking, Mr. John Bowsher, or any other timber merchants, specifying the time when such loans were made, and the conditions thereof." In consequence of those loans, those two contractors had been enabled to drive all competitors out of the market.—His next motion would be for "An account shewing the price of timber in the king's yards, on the 18th of Feb. 1801, and the advances which have been since made thereon; the advantages given by the alteration in the mode of measurement, and qualifications to be shewn in money." From this it would appear that timber was advanced 15 per cent. in 1802! and that a further advance of nearly 40 per cent. took place in June 1804. His next was for "Copies of the reports which have been made to the navy board by the officers of the dock yards, on examining the Stetin timber which was used in his majesty's ships some years since, by way of experiment, to ascertain its durability." These reports would shew that the timber is of such very inferior quality, that it is not worth the expence of workmanship.—He would next move for "A copy of the report made by the purveyors of the navy, to the admiralty, on the 2d of Aug. 1802, respecting the foreign timber which had been served into Deptford yard, by Mr. John Larking." It was stated in the report, that it was very inferior to English timber, some of the best of it approaching nearly in quality to the worst English oak, and that it could bear no competition with it in point of durability.—His next motion would be for a "Copy of the contract or agreement which has been made since 15th May 1804, by the navy board, with Mr. John Larking, for the importation of foreign oak timber; also an account shewing any other allowance which is to be made to him, on the said timber, than is therein expressed, and the sums of money which have been advanced to him on account thereof."—His next for "An account shewing the number of shipwrights, and also of apprentices, employed in the merchants' yards in G. Britain, according to the returns made to the admiralty in April 1804." This would shew the number of shipwrights to be about 5000, and the number of apprentices of all descriptions, to be about 3700.—Next, for "An account shewing the amount of the tonnage of the merchant shipping of G. Britain, on the 1st Jan. 1804, distinguishing the foreign from the British-built." The tonnage, he understood to be nearly two millions of tons.—Next for "An account shewing the numbers and tonnage of shipping which have been built in the merchants' yards of G. Britain, between the 1st Jan. 1793, and the 31st Dec. 1804, or as late as the same can be made out, by the returns at the custom-house." From this it would appear, that in the merchant yards nearly 100,000 tons per year, exclusive of the ships of war on contract, have been built.—Next for "An account, shewing the number of ships and vessels of each class in the royal navy, and their tonnage; the foreign-built ships to be distinctly stated, and those which have been built in the merchant-yards from those which have been built in the king's yards." From this account it would appear, that the whole navy amounts to about 530,000 tons; of which about 114,000 tons have been taken from the enemy, and about 260,000 tons built by contract: only 156,000 tons have been built in the king's yards, although they contain 3000 shipwrights, besides apprentices.—He would next move for

"Copies of all letters and representations which have passed between the admiralty and the navy boards, and between these boards, and the master shipwrights of his majesty's dock-yards, or any other person since the 27th Oct. 1803, on the subject of shoaling the shipwrights." Repeated representations had been made on the impropriety of the system pursued in working the shipwrights in the king's yards, which the late admiralty had endeavoured to correct.—He would also move for "Copies of all letters which have passed between the navy board and the master shipwrights of the several dock-yards, since the 1st of June 1804, respecting the time when the ships ordered to be built in his majesty's yards can be completed." This would shew, that if the men were properly shoaled, and not detained, by the want of materials, there would be no occasion to employ the merchant builders.—His next motion would be for "A statement shewing the number of shipwrights that should build a 74-gun ship of 1730 tons in one year, to be entitled, according to the prices for workmanship allowed by the present scheme of task, to three days pay for one, or 6s. 3d. per diem." At the rate of 6s. 3d. per day, the present wages, 48 shipwrights should build a 74-gun ship, of 1730 tons, in one year, or 312 days; and the whole sum for workmanship would amount to 4671l.—His two next would be for "A list of ships which have been launched from his majesty's dock-yards, between the 1st of Jan. 1793, and 31st of Dec. 1804." Also, "An account shewing the number of shipwrights borne in all the yards, on the 31st of Dec. of each year, from 1793 to 1804 inclusive; the sums paid to them for wages in each year, and the number of ships of 74 guns, and 1730 tons, which the sums so paid in each year would pay for the workmanship in building, according to the prices allowed by the present scheme of task." In the 9 years prior to 1802, only 11 ships of the line, 2 fifties, 14 frigates, and 4 sloops had been launched in the king's yards, and money has been actually paid equal to the building of 523 sail of the line.—His next would be "For a statement of the grounds upon which the merchant ship-builders declined to contract with the Navy Board for the building of ships of 74 guns, at a lower price than 36l. per ton, such parts thereof to be distinctly stated as were adduced at the time they made their first offer, and the time to be stated when other grounds were made; also, whether the grounds were stated verbally or in writing, and by whom, if in writing. Copies thereof to be laid before the house." He understood that the merchant-builders complained that they sustained considerable loss from the ships which they built in 1800 for 21l. per ton, and that they were now held strictly to the terms of their contract, and made responsible for any bad workmanship that may be discovered at a future period.—Next for the "Copy of a letter from the Navy Board to the Admiralty, dated the 24th Nov. 1802, inclosing the offer made by Mr. Brindley to build a 74-gun ship and a frigate." This gentleman, he was informed, offered to build a 74 at 21l. per ton, two years after the time the other builders say they suffered such loss.—His two next motions would be "For a schedule of the prices for workmanship and materials, which the Navy Board has agreed to pay the merchant-builders for ships ordered to be repaired by them since the 1st of June 1804, and against each article to be stated the sum which it costs the public in Deptford-yard;" also, "A statement to be made by the officers of Deptford-yard, shewing for what price per ton a ship of 74 guns and 1730 tons, could be built in that yard, in Jan. 1800 and 1805; according to the scheme of task for workmanship, and the prices paid in that yard for rough oak timber, and the other necessary materials at the above-mentioned periods." The merchant-builders had demanded, and are to be paid about 71 per cent. more than the prices in Deptford yard, where a 74 could be built for about 18l. per ton in 1800, and about 24l. per ton at the present moment.—The two next were for "A statement, shewing the defective or improper workmanship and materials, which have appeared in his majesty's ships Ajax and Achilles. Also the amount of the several repairs which have been done to them, or of the estimate for repairing the latter; the time when they were launched, commissioned, and paid off, prior to Aug. 1802, to be stated." Also "A copy of the letter sent to the admiralty, by the captain of his majesty's ship Ardent, dated 28th March 1804, on the subject of the iron bolts which had worked out of that ship." The Ajax and Achilles were only 4 years in commission, and they have each since cost from 12 to 20,000*l.* in repairs.—He hould next move for "An account of the Additional Naval Force ordered to be rovided between the 15th and 30th of May 1804; together with an estimate of he expence thereof; the number of guns and men each ship was to carry, to be distinctly stated." Also, "Copies of all letters or representations which have been made by admiral lord Keith, or the ransport board, to the admiralty, respecting the inefficiency of the Additional Naval Force, called defence ships, and armed ransports, and a statement shewing how hey have since been disposed of." Also, "A statement of the force, under the command of admiral lord Keith, on the 15th of May 1804, and the 20th of March 1805." The defence ships had been represented as being of no use, but rather an incumbrance, and they had all been ordered to be employed as transports. Lord Keith's force had been reduced nine sail of the line and several frigates, and 9 sloops and 21 gun-brigs had been added.—He would move for "A list of the gun-brigs which were ordered to be fitted as fire vessels, in June, July, and Aug. 1804, specifying their force, and when they were launched, when they were ordered to be fitted as fire vessels, and when they were returned to the service of gun-brigs." Notwithstanding the clamours that had been raised against the late admiralty for not having provided a sufficient number of gun-brigs, immediately after the present board came into office, nine of the best were ordered to be fitted as fire-ships for some expedition which was not carried into effect. His last two motions would be for "A list of ships and vessels ordered to be built in the king's yards, and contracted for in the merchant's yards, from Jan. 1771, to the present time; the price per ton, after all abatements have been made, to be stated against each ship built by contract." Also "Copies of the representations made to the navy board by the officers of Woolwich yard, after having surveyed the Hope merchant ship, now called the Hyæna; also a copy of the order to the officers of the yard to value her previous to her being purchased," He would take up no more of their lordships' time than to mention how he would propose to proceed, if the papers he moved for should be granted. It was his intention, at some future day, to move that all the information which had been laid on the table respecting that important subject, should be referred to a committee of their lordships. Whatever the decision of the house should be, respecting the motions which he had read, he should not regret that he had brought the subject under discussion. If he were wrong in the assertions he had made, the noble lord to whom they applied would have an opportunity of refuting them, and their lordships would be able to determine the points at issue between them. Although he thought the papers he should move for, necessary for the full understanding of the question, if they should be refused, he would still persevere in his original intention, and bring the whole of the subject, at a convenient opportunity, under discussion. He would not trouble their lordships with any farther observations, but make the first motion.—The motion having been read from the woolsack,

Lord *Melville* rose, and assured the noble lord, that nothing could be more adverse to his wishes, than to oppose the production of any papers, which could possibly tend to impede the discussion of the important subject, which it was the professed object of all his motions to bring before their lordships. If the noble lord could prove his proposition, it would afford him, and the whole kingdom, he was persuaded, greater satisfaction than any event which had ever occurred in the history of the naval administration of this country. If he could prove that the king's yards, in times of difficulty, were equal to the keeping in repair of the great naval establishment of this country, and to add ten sail of the line to it annually, he who made the discovery would deserve to be considered as the greatest benefactor to the country that has ever existed. He would be among the foremost to express his gratitude to such a man. He thought it necessary to remind the house that the motion respecting the late and present naval administration, was not of his seeking. He acted upon the defensive, and the different papers which he had moved for, were intended to be employed rather in his own vindication, than for the purpose of criminating others. With regard to one of the principal charges against him, that of building in the merchant yards, he would assert, that, from the foundation of the navy, to the present time, no board of admiralty ever existed in this country, with the exception of the last, which in times of difficulty had not recourse to building in the private yards. Was it for him, with the short experience he had, to deviate from a practice which had been invariably followed in the proudest period of our naval annals? The papers which he had laid on the table in his own defence, would decidedly establish that practice which the noble lord had condemned. One of the reforms which had been suggested, respected the shoaling or classing of the workmen, and great advantagess were ascribed to this new discovery. Possibly it might be attended with all those benefits; but he could not coincide in the inferences which had been drawn from it, to the disrepute of the contrary practice. Parts of the works of a ship requiring different degrees of strength, the strong man was not retarded in his operations by the weaker man, who was working, perhaps, on a different part of the ship. This new invention was not practised at the best periods of our navy; it was a discovery not more than 15 months old, suggested by the master builder at Plymouth, and respecting which a difference of opinion obtained among the master builders in the other yards. Whether it could be adopted with advantage, would soon be decided; the subject was at present under consideration, and would most probably be determined before the papers moved for by the noble lord could even, with the greatest expedition, be laid upon the table. The question would be practically considered, and would be, within a short time, either adopted or rejected; or as truth was said to lay in the middle, perhaps some mode might be struck out between the ancient practice and the new discovery. He could assure the house that the subject was under deep consideration, and he intreated their lordships not to interrupt him while he was endeavouring to probe it to the bottom. He could perceive the drift of the noble lord's motions; they all tended to prove, that building in the merchants' yards was at all times more expensive than in the King's yards; and that with proper arrangement in the latter, ships may be built at a less comparative expence than they actually are. To decide those two important points, much of the information which the noble lord required, would be found in the papers before the house. As to those which the noble lord moved for, he was persuaded they could not be produced in sufficient time for the proposed discussion of the question. Notwithstanding he had repeatedly pressed the navy board to expedition, it was only within one hour after he had entered that house, that he received the papers which he moved for some days ago, and which he had the honour of presenting to their lordships. There was one of the motions which it would be impossible to comply with, within any reasonable time, that for the production of copies of certain letters, of which there were at least 300. He did not assert this from his own authority, he had applied to the proper officer, and he had that morning received a letter from the secretary of the navy board, stating, that the papers for which the noble lord intended to move, could not be produced, without a ruinous interruption of the business of the office, in less than 3 months. Under these circumstances, he trusted the noble lord would not persevere in pressing his motion. It may be said, why not employ supernumerary clerks? He would tell the noble lord, supernumerary clerks would not do. To prepare papers of such importance, with all the accuracy that was necessary for the two branches of the legislature, the ablest and most efficient men must always be employed, and those could not be diverted from their usual line of employment, without materially impeding the progress of the public service. He would repeat, that he was as anxious as the noble lord, for the full discussion o the question; and he would therefore entertain the hope, that he would postpone a motion which could only tend to retard it.

The Duke of *Clarence* would not long trespass on the house, but he thought i incumbent on him to say a few words in support of a motion of which he was prou to be the father. He was surprised tha the secretary of the navy board shoul write the letter which the noble lord state to have received, or that 3 months shoul be required for the production of papers which were necessary for the discussion c one of the most important questions th was ever submitted to that house. H could not refrain, however, even in th stage of the business, from declaring, th if any deviation should take place from th system laid down by lord St. Vincent, was both fallacious and erroneous. I the merchant yards, the practice had lo prevailed of shoaling the shipwrights, a it was the wish of that great characte that the practice, which had been four advantageous, should be introduced nd established in the king's yards.

Earl *Darnley* congratulated their lordhips and the country, that the system inroduced by the late board of admiralty as under consideration, for its merits were ich, that he entertained a confident hope at it would be adopted. He was happy hear such a declaration fall from the oble lord at the head of the naval departent, for it was generally understood that e, and those united with him in administration, came in with the determination resist all the salutary regulations of the te board of Admiralty.—The first motion as then put and negatived. It was moved, hat the rest of the series should be read hort, which being done accordingly, they ere all rejected.—Adjourned.

HOUSE OF COMMONS.

Friday, March 29.

[MINUTES.] Mr. Abercrombie brought a bill for enlarging the powers of the orporation of excise in Scotland, and a ill for raising a further sum of money for mproving the harbour of Leith, which ere read a first time.—The Edinburgh olice bill was read a third time and assed.—Mr. Curwen moved, that an humle address be presented to his Majesty, equesting that he would be graciously leased to cause to be laid before the house copy of the proceedings of the privy ouncil in 1765, on the petition of the uke of Athol, for a further compensation or the sale of his feudal rights. Ordered. —Mr. Rose presented the report of the rivy council, dated 21st July 1804, on he petition of the duke of Athol, which as ordered to be printed.—The American reaty bill, and the French and Spanish rade licence bill, went through commitees, and the reports were received.—Mr. . Bourne brought up the reports of the ommittees on the foreign prize ships bill, nd the neutral ships bill, which were greed to.—On the motion of Mr. Magens t was ordered, that there be laid before he house an account of all dollars issued y the bank of England to the latest period t which the same could be made out. —Mr. Alexander brought up the report f the committee on the Spanish wine uty, which was agreed to, and a bill rdered accordingly.—A message from the ords announced their lordships' assent to he additional legacy duty bill.—Mr. Curwen inquired why, in the report of the privy council relative to the Isle of Man, that had been this evening laid on the table, the names of the subscribers had been omitted? Mr. Rose promised to make an enquiry on the subject.—Mr. Alexander brought up the report of the committee on the custom duty bill, which was agreed to.

[IRISH MILITIA ENLISTING BILL.] The *Chancellor of the Exchequer* rose, in pursuance of the notice given by him yesterday, to move for leave to bring in a bill for reducing the militia of Ireland, and enabling them to enlist into the regiments of the line, artillery and royal marines. The general arguments in favour of this measure had been so fully discussed upon a similar question, with regard to the English and Scotch militia, that it was not necessary now to dwell upon them. The arguments, as far as they related to general policy, applied with greater force to the militia of Ireland. The militia of Ireland stood on a different ground from that of England. The plan for lowering it did not bear a greater proportion than it ought; but it was also to be considered, that in Ireland there was a greater facility in gaining an acquisition to such a description of force as the militia, than there was in this country. His plan was not to take from the militia more than two-fifths. The zeal and ability of the commanders would, he was persuaded, soon place the militia regiments on the same footing they now stood. It was not necessary to trouble the house with any of the details at present. He concluded by moving "for leave to bring in a bill for allowing a certain proportion of the militia in Ireland voluntarily to enlist into his majesty's forces of the line, artillery, and marines."

Sir *John Newport* was of opinion, that the militia system, however advantageous it might be to England, was injurious to Ireland, and he could therefore wish to see it abolished in that country *in toto*. He nevertheless highly disapproved of the measure proposed by the right hon. gent. Ireland was, he believed, justly considered the most vulnerable part of the empire; and was it prudent, at present, to deprive it of a considerable portion of its disciplined force for the purpose of substituting a parcel of new recruits, whom it would require two or three years properly to train? He was not a militia officer; he never had been one; nor was it likely he ever should be one; and therefore he might, without any suspicion of interested motives, express his sympathy with that respectable body in the mortification they must feel in losing so many men, whom they had been at such pains to instruct, and in being degraded to the situation of recruiting officers for the regular army.

Lord *De Blaquiere* approved the bill. Many people thought, that the Irish militia would be better employed any where than in their own country. He did not like to hear the gentlemen of Ireland talked of as crimps, and recruiting serjeants.

Sir *John Newport* rose to order. He had never made use of the word crimp; what he said related to officers.

The *Speaker* informed the hon. baronet, that what he was now stating was in explanation, and not on a point of order. He could not rise in explanation, until the noble lord concluded his speech.

Lord *De Blaquiere*, resuming, observed, that his hon. friend and himself would have many opportunities to talk over these things. The words of the hon. baronet, amounted, in their effect, to those he had used. He would be the last in the world to impute to any man sentiments that he did not entertain, or put in his mouth words that he had not uttered. He denied that the bill could have the effect to degrade the Irish gentlemen. He thought it a good, substantial measure.

General *Tarleton*, adverting to the opinion of the hon. baronet, that it would require two or three years to train the recruits who should fill up the chasm that this bill would produce in the militia of Ireland, took occasion to remark, that the result of his own experience, and that of many other officers with whom he was acquainted was, that an Irishman was much more easily disciplined than a native of any other part of the united kingdom, and therefore he was certain that a much less time would be found necessary to bring these recruits to the same state as that in which the old militia stood, than was supposed by the hon. baronet.

Mr. *Bastard* was apprehensive that as the marine service was considered preferable to that of the line, most of the men volunteering, would wish to enlist in the marines, an event which would defeat the grand purpose of the measure.

The *Chancellor of the Exchequer* replied, that this would not be at the option of the men. The act gave his majesty a discretionary power to allow which regiments he should think fit to volunteer for each service.

Colonel *Calcraft* thought this quite a distinct measure from that with respect to the English Militia; as, in point of fact, the Irish Militia had nothing but the name of militia belonging to them. They were not raised by ballot, but by bounty; and if the Irish gentlemen were willing to become recruiting officers for the army, he saw no reason why the motion of the right hon. gent. should be resisted by the house.

Sir *George Hill* supported the motion, and panegyrised the character of the Irish Militia officers. Their conduct and that of the Irish gentlemen in general, who by their own subscriptions raised the militia and kept the country safe, without any contribution from those absentees whose lands they thus defended, was, in his judgment, entitled to peculiar praise. Considering the conduct of the Irish militia who, to a man, volunteered last year to serve in any part of the united kingdom, and the public-spirited feeling of their officers, he could not help saying that he was much astonished at the selfishness exhibited last year, as well as in the whole course of the debates of the present week, with respect to the English militia.—After a few words from Lord Temple, Mr. Alexander, and Mr. Calcraft, the motion was agreed to.—The bill was afterwards brought in, read a first, and ordered to be read a second time on Monday.

[English Militia Enlisting Bill.] The house having, in pursuance of the order of the day, taken into consideration the Report of the English Militia Enlisting bill, several amendments were made in the Committee.

The *Chancellor of the Exchequer* proposed two new clauses, one for adjusting the mode of ballots, in those counties in which the greatest and least number of men should enlist; and another to prevent serjeants and corporals of the Militia from volunteering as serjeants and corporals of Artillery; both of which were agreed to.

Mr. *Bankes* said, that though it was thought proper to put the ballot out of sight in the present bill, yet it was not the less in existence, and that for the sake of uniformity in the recruiting, both for the Regulars and the Militia, it was necessary, in his opinion, that a clause should be inserted, enacting that when vacancies occurred, instead of obliging a person to find a substitute, the men should be raised by a small bounty paid by the parish. Having moved a clause to this effect,

Sir *Robert Buxton* seconded the motion. The parish, he said, was already obliged to pay half the bounty given by an individual for a substitute, and a small addition, he thought, might be sufficient to release the individual altogether.

The *Chancellor of the Exchequer* observed, that he agreed with the hon. gent. as well as the hon. bart. as to the unavoidable necessity of recurring to the ballot, but, in doing so, he acted in strict conformity to the opinion of the house, which was, that when the militia should be reduced to its quota, the custom of balloting ought not to be given up. He could not accede, therefore, to the motion of the hon. gent. —After a few words between Mr. Wilberforce, in support of the clause, and Mr. Canning and sir James Pulteney against it, the question was put from the chair, that the clause be brought up, which was negatived without a division.—Adjourned.

HOUSE OF LORDS.

Monday, April 1.

[Roman Catholic Petition.] The Bishop of *Durham* rose to express a wish that the noble baron who had presented the Petition from the Roman Catholics of Ireland, would have the goodness to name the day on which it was his intention to bring the object of that Petition under the consideration of the house. The subject it involved was one of such importance, that he felt it his duty to be prepared for the discussion of it, whenever the noble baron should think fit to bring it forward.

Lord *Grenville* in reply, said that it was his intention, as far as he could now foresee, to bring forward his motion on that subject on the 10th of May next. Should it however be for the convenience of any noble lord to postpone the discussion for a few days, he for one could have no objection.

The Bishop of *Durham* only wished that no delay might take place after the day appointed by the noble baron.

[Conduct of Judge Fox.] The order of the day being read for resuming the debate on certain questions relative to the case of Judge Fox;

Lord *Auckland* rose to offer an amendment to a string of motions which he had submitted to their lordships this day se'nnight, the substance of which was, to add to some of them, the words "punishable by the ordinary course of law." Here a very long conversation ensued on a point of order; whether the motions should be put collectively or separately, in which conversation the following noble lords took a part. For discussing them collectively, were lords Grenville, Spencer, Carlisle, Darnley, Auckland, &c.; for a separate discussion, were the Lord Chancellor, lords Ellenborough, Hawkesbury, Sidmouth, Mulgrave, Buckinghamshire, and Redesdale. The conversation, which lasted a considerable time, at length ended in lord Auckland withdrawing his motion.

Standing Order.] Lord *Grenville*, after shortly alluding to his having been interrupted on a former night on this subject, moved that the Standing Order, No. 30, purporting, that if any peer should require the house to go into a committee, for the purpose of delivering his opinion with greater freedom, by having liberty to speak more than once, it ought not to be refused, be read. His reason, he stated, was to give a fair opportunity to noble lords to discuss this important point with freedom, by speaking as often as they were inclined.—A conversation of considerable length ensued on the interpretation of the standing order, the lord Chancellor, lords Hawkesbury, Redesdale, Morton, &c. contending that it was not imperative; and lords Grenville, Spencer, Ellenborough, &c. maintaining that so long as it stood on the books of the house as one of their orders, it was entitled to its full weight and effect.

The *Lord Chancellor* having, in the course of the discussion, referred to some expressions of his R. H. the Duke of Clarence on a former night, charging him with having violated the orders of the house, in himself addressing their lordships more than once;

His Royal Highness the *Prince of Wales* rose to express what had occurred to him as being the meaning and import of the observation alluded to, which had fallen from his noble relation. His noble relation, as his Royal Highness understood him, wished to establish how essential it was that a liberal interpretation of the orders of their lordships on the usage of debate should take place. A Noble Friend of his (lord Grenville) had been called to order that evening by a noble earl opposite; and the remark of his noble relative then was, that the same liberty (that of speaking more than once) had been assumed by the noble lord on the woolsack, and that he thought it but proper that a similar indulgence should be extended to his noble friend, and other lords on that side of the house on which he commonly sat. In making this observation, His Royal Highness was conscious that nothing was more distant from the mind of his noble relation than to throw out any improper reflection against any noble lord whatever, particularly against any person who had the honor of filling the seat of Speaker of that house; and he submitted it to the candour of the noble and learned lord himself, if the observation of his noble relation was not strictly consistent with that liberal practice which had generally distinguished the proceedings of their lordships.

After some further discussion, lord Grenville agreed generally to move for the house going into a committee, without any reference to the standing order. The house having accordingly gone into a committee,

Lord *Grenville* rose in support of the motion of lord Auckland for referring the different points which he had formerly submitted to the house, for the opinion of the twelve judges. His lordship particularly alluded to the precedents which he had pointed out on a former night, and stated that, in consequence of the doubts suggested by a noble and learned lord (Ellenborough), he had caused the records of one of these cases, Bridgman v. Holt, to be searched for, and it clearly made out his original assertion, being a case directly in point; there, as in the present case, a petition had been presented to the house against three of the judges of the Common Pleas, which the house ordered them to answer. In the answer lodged, these judges refused to plead the merits of the case unless when called before a legal tribunal. They denied the jurisdiction of their lordships, and maintained that the calling them before the house was contrary to the established law of the land. On considering the matter, after taking the opinion of the other judges, the house came to be of the same mind, and the matter was dismissed.

The *Lord Chancellor* recapitulated the arguments which he had formerly adduced in support of the contrary opinion; maintained that the precedents referred to by the noble lord could not apply, as they occurred previous to the passing of the act of settlemant; admitted it to be the established law of the land that no judicial proceeding of a criminal nature could originate in that house; but contended that the measure now before the house was not of a judicial nature, instituted with the view of punishment. He could not, at the same time, see why the judges should not be considered as equally safe in the hands of the two houses of parliament as in those of twelve ordinary men, whose verdict against them would, if the arguments on the other side went to any thing, be obligatory on their lordships, and would be a sufficient call on them to address his majesty for the dismissal of any judge against whom such a verdict should be found.

Lord *Grenville* could not at all see the meaning of the distinction laid down by the noble and learned lord. He stated that this was not a judicial matter, or one to infer punishment. It undoubtedly, however, was meant to go the length of grounding an address to his majesty for the dismissal of a judge for improper conduct in his judicial capacity, and such he contended could not originate in that house. He would wish the noble and learned lord to point out to them where the line was to be drawn, and what, if any thing short of murder, felony, or treason, was to be esteemed without the original cognizance of that house. As to the idea of the act of settlement subjecting the judges to a jurisdiction of which they were formerly independent, he saw nothing in the act which sanctioned such an idea, but the direct contrary.

Lord *Hawkesbury* opposed the motion of lord Auckland, and contended that the proceedings of the house had been completely regular. In this opinion he was seconded by lord Redesdale.

Lord *Auckland* defended the positions laid down by lord Grenville, by recapitulating the arguments which he had formerly adduced in support of his motions.

Earl *Carisfort* followed on the same side, and deprecated, in strong terms, the idea of subjecting the judges to a species of control from which every other subject of this country was exempt—thereby rendering them the tools of the minister of the day.

The Earl of *Suffolk* maintained the necessity of resorting to the opinion of the judges as to the legality of their mode of proceeding.

Lord *Ellenborough* declared, that his own opinion was decidedly in favour of the proceeding by *scire facias*, as the question would thereby have a legal investigation, and as the learned judge would then be tried by his peers. But, as the case now stands, their lordships had adopted another mode of proceeding. The law clearly said, that they may in certain cases proceed to address his majesty for the removal of a judge; it was therefore evident, that they may make inquiry as to the facts upon which that address was to be founded. The words appeared to him to be so unambiguous, and the inference that their lordships had the legal power of proceeding as they had done was so plain and natural, that he had no hesitation in saying that there was no necessity for asking any opinion of the learned lords upon the case.

Earl *Darnley* supported the motion as the only means of ridding their lordships' minds of any doubt upon the case.—The question was then put, and there appeared contents 18; not contents 32.—Adjourned.

HOUSE OF COMMONS.

Monday, April 1.

[Minutes.] Bowyer's Lottery bill, was read a third time and passed.—Mr. Parnell from the office of the Chancellor of the Exchequer for Ireland, presented an account of the funded and unfunded debt of Ireland, and of the charges outstanding upon the consolidated fund of Ireland on the 5th of January 1805.—Ordered to lie on the table and to be printed.—A person from the Bank of England presented an account of all the dollars that had been issued by the Bank of England to the latest period that the same could be made out. Ordered to lie on the table and to be printed.—The Neutral Ships bill, the American Goods Neutral Ships bill, and the Alien Privilege Prize Ships bill, were severally read a third time and passed.—The American Treaty bill was reported.—The Innkeepers Rates bill passed through a Committee, and the report was ordered to be received to-morrow.

[Lord Melville.] The *Chancellor of the Exchequer* with a view to the discussion which stood for Thursday next, relative to the Tenth Report of the Commissioners of Naval Enquiry, thought it desirable to have the house put in possession of every possible information that might enable it to come to a just decision on this important subject. It was material that the discussion should not be unnecessarily protracted, but it was also to be wished that every assistance should be afforded to the judgment of the house. With this view it was that he proposed to submit a motion to the house for the production of a letter written by lord viscount Melville to the Commissioners of Naval Enquiry on Thursday the 28th of March, in elucidation of some points in his lordship's case, which it would be important to have before the house previous to its final decision on this question. He was not aware of any objection to his motion, but if any should exist, he should content himself in the present instance with a notice for to-morrow. As the printing of this letter would take up some time, and gentlemen would require also time to consider its contents, in order to come to the discussion fully prepared, he submitted whether it would not be desirable to have the notice for Thursday withdrawn, and some early day in the ensuing week fixed instead of it.

Mr. *Fox* asked across the table, whether any answer had been returned to this letter?

The *Chancellor of the Exchequer* was not aware that any answer had been sent, but was desirous that all the papers relating to the subject should be laid before the house, and printed for the information of gentlemen.

Mr. *Grey*, in the absence of his hon. friend (Mr. Whitbread), felt it impossible to say whether he would consent to put off his motion to next week. Of this, however, he was certain, that it was the wish of his hon. friend, that opportunities of information should be afforded to the house. He agreed with the right hon. gent. that the discussion of this important question should not be protracted. He thought that by deferring the motion till Friday, sufficient time would be afforded, and suggested the propriety of adding to the right hon. gent.'s motion, a Copy of any answer or proceeding thereon.

The *Chancellor of the Exchequer* thought that Monday would be the earliest day when the house could be prepared for the discussion, if the hon. member (Mr. Francis) who had a motion for that day, would consent to defer it. If it should appear on the production of the letter, that any further proceedings had been taken upon it, they also would be necessary to be laid on the table, which would require further time.

Mr. *Francis* made some objection to a further delay of his motion, which had already been put off to accommodate the other side of the house. But on the suggestion of the Chancellor of the Exchequer, Mr. Francis's motion relative to the present state of India was fixed for Friday next, and Mr. Grey consented to put off his notice on the part of his hon. friend to Monday, under an understanding however, on all sides, that no further delay should take place, unless something not then foreseen, should occur to render it necessary.

The *Chancellor of the Exchequer* then moved "that there be laid before the house a Copy of the Letter of lord viscount Melville, dated the 28th of March, to the Commissioners of Naval Enquiry; and also, a copy of any proceedings had thereon, or of any answer thereto by the said Commissioners of Naval Enquiry."—Agreed to.

[Cornelius Grogan's Attainder.] Mr. *Martin* (of Galway), pursuant to notice, moved, "that there be laid before the house a copy of the evidence and proceedings before the committee of the parliament of Ireland, on passing the act of the 38th of his present majesty, attainting Cornelius Grogan, esq. of John's town, in the county of Wexford, so far as the same regarded the said Cornelius Grogan." He said it was proper to apprize the house of his object in making this motion. It was, that the evidence taken before the committee of the parliament of Ireland might be re-examined, to see whether it laid a sufficient ground for the proceedings which were had in the case of the unfortunate gent. to whom he had alluded, and whose life was taken away by the order of a military council; and by which evidence, he maintained, it would appear, that nothing could be more flagrant than those proceedings were; that the life of Mr. Cornelius Grogan was taken away without the verdict of a jury, or trial by law; that he was tried by a military council, and that the members of the court were not upon oath, and that the necessary formalities were not observed, several omissions of which he enumerated, and concluded with the motion as we have above stated.

Lord *Castlereagh* said, he should have wished that this motion had been made without some of the observations which had been made upon it; he should have no objection to the information seemed to be required, if it led to any practical proceeding of the house to be founded upon it; but the hon. gent. had mixed two things which are totally distinct in their nature: the proceedings of the court martial by which Mr. Grogan was tried and executed as a rebel, and afterwards the act of attainder, which was a proceeding in the parliament of Ireland, founded, not on the evidence of the court martial, but on evidence laid before the parliament itself, and such as had been held sufficient by that parliament to justify the act of attainder. He doubted whether there existed now any evidence, which the house could be satisfied with, to induce it to reverse that proceeding, and the hon. member had not stated what parliamentary use he intended to make of the information, such as it might be, after he should obtain it. For these reasons, and wishing not to deprive the hon. gent. of an opportunity to call for such information whenever he should make out a case to entitle him to its production, the noble lord moved, that the other order of the day be now read.

Mr. *Martin* imputed this opposition to a wish in the noble lord to shelter the administration, of which he was a member. He considered Mr. Grogan as a person who was justified in what he did under the authority of lord Coke and lord Hale, who laid it down as the law of our land, that a man may join rebels to save his own life, and continue with them under the terror of its loss, until he shall have an opportunity to escape; this, he said, was the case of that unfortunate gent. He considered, therefore, that his execution was an act of murder, and that the attainder was an act of confiscation, founded on an act of murder. The noble lord's apprehension fell short of the fact, when he supposed there was not evidence sufficiently formal to be laid before the house. He knew there was correct evidence of the whole proceeding. He had seen it. The hon. member contended that there was no want of documents, and pledged himself, if necessary, to find the evidence which it was his wish to submit to the house, as correct notes had been taken of it at the time.

Reverting to the court martial, the hon. member insisted that all the necessary formalities had not been complied with. He would ask his majesty's attorney general, if a person taken from the king's prison, and not taken in any act of rebellion, was a legal subject of a court martial? And yet this had been the case in respect to Mr. Grogan. He had not joined, but had been detained by the rebels. He would stake his credit, that the evidence he had moved for would bring to light such flagrant proceedings as had seldom, if ever, been heard of, and which he was not at all surprized the noble lord should be anxious to keep in the back ground. The country, he asserted, was in perfect peace at the time. The king's commission was, in the county of Wexford, to deliver the gaols. Was there any reason, then, for a military court martial to call them out? The hon. member then adverted, at some length, to the evidence given by general Craddock before the Irish commons, whose answers to questions that he himself had put to him, he begged leave to recall to the memory of the noble lord, and which clearly shewed the irregularity of the proceedings of the court martial. His object in obtruding this motion on the house was, he thought, a very laudable one. Should it appear that there was no evidence sufficient to warrant the proceedings that had been taken against Mr. Grogan, his relations at least ought to have redress.

Mr. *Fox* observed, that the ground of the noble lord's objection did not appear to him to be at all admissible. He had said there was no evidence to be produced. Whatever might have been the case in Ireland, such he was certain was not the case in this country, for if no evidence could be afterwards produced, attainders would be irreversible; but the noble lord was too well acquainted with the history of this country to be reminded that many instances had occurred of attainders being reversed. If what he had heard on this subject were true, there could be no doubt that that Act ought to be reversed; but that was not the question, till the evidence should be in due form before them. Severe in general were the times when acts of attainder were resorted to, but to render them irreversible by refusing a revisal, would be to aggravate that severity.

Lord *Castlereagh* said, that nothing could be further from his wishes than to prevent parliament from receiving every possible information upon the subject; and the only reason that induced him to move the order of the day was, that the hon. gent. had not stated what his object was in calling for this evidence, or what parliamentary proceeding he meant to ground upon it. The hon. gent. had now stated his object to be that of reversing the bill of attainder against Mr. Grogan, which certainly was a fair parliamentary ground for calling for the document in question; and therefore he would, with the leave of the house, withdraw his motion.

Sir *John Newport* said, that the family of Mr. Grogan had been in very extraordinary, and, indeed, most unfortunate circumstances. The very next brother to Mr. Grogan, and who would have been his immediate heir had he survived him, fell honourably, loyally, and gloriously, fighting the battles of his country. The other brother fought with the most determined bravery, till driven out of Wexford by the rebels, who were greatly superior in numbers, before the main body of the army arrived, and therefore, under all these circumstances, added to a doubt whether Mr. Grogan himself had not been forced to fight on the side of the rebels, he thought the justice of the house would incline them to agree to the motion.

General *Loftus* said, he was in Wexford at the time of the court martial upon Mr. Grogan, and he begged leave to state, that the officers who formed the court were the principal men of rank and character in the army, and every attention had been paid in the careful examination of the witnesses. After the sentence was passed, he was told by many persons of the town, that Mr. Grogan was not so much to blame as he appeared to be; on which he applied to General Lake to suspend the execution of the sentence for some time, till he could make further inquiry; to which general Lake consented, and the execution was deferred till evening, when not being able to find any facts in his favour to counterpoise, or do away the evidence adduced against him, he went to inform General Lake of the circumstance, and the execution then took place.

Mr. *Francis* rose merely to express his disapprobation of acts of attainder in general, as affecting the innocent and not the guilty.

Lord *Castlereagh* said, he was anxious to do justice to the characters of Mr. Grogan's brothers and family, by allowing that they had always distinguished themselves by the most unshaken loyalty and attachment to their king and country, and government had shewn its sense of their conduct by conveying the confiscated estate to a near relation of the family. His lordship's motion was then, with the leave of the house, withdrawn, and the original motion was agreed to.

[Militia Enlisting Bill.] The *Chancellor of the Exchequer* moved the order of the day for the third reading of the militia enlisting bill. The bill was then read a third time. The right hon. gent. brought up a clause relative to the wives and families of those militia-men who should enlist.

The Marquis of *Douglas* asked whether it was the intention of the clause to render these wives and families still dependent on the country for support after the husbands should have enlisted? If that was the case he would oppose the clause.

Sir *William Young* expressed the same resolution, to object to it in case it was intended to occasion a permanent burden to the country.

The *Chancellor of the Exchequer* said, that they had mistaken the clause, for its object was exactly the contrary of what they imagined, in as far as it went to take the burden of the families of such militia-men as should enlist off the country after a time to be limited.—The clause was then agreed to; and, after a verbal amendment had been proposed and adopted, the question was put that the bill should pass.

The Marquis of *Douglas* was sorry that he was again obliged to trespass on the indulgence of the house, but hoped that he would not be thought pertinacious in his opinions, when no argument had as yet been urged to justify this pernicious measure, at least nothing more than this, that the change of service would be advantageous to the country. He admitted that this was to a certain degree the case, but then the question must be considered with reference to other points, and in this view it would be found to be calculated to produce a great deal of mischief. The fact was, that the object of the bill was to supply the defects of the parish bill; that notable production, that wonderous conception which had been called a rural nymph, clad in russet gown. The gentlemen on the other side, would wish, no doubt, to give her a more splendid name. They would call her Minerva, the goddess of wisdom, sprung in complete armour from the brain of this political Jupiter, the whole Congress, on mount Olympus being employed as the midwives. He rather thought, however, that she was in reality no more than a plain rustic nymph, not over remarkable for dress or attractions, for she had wandered over every parish in the kingdom, and had not been able to find a friend, or companion to accompany her. He observed, that the ballot was a very unequal tax on the people; but still the militia had long been established, and the principle could not be destroyed without the most flagrant injustice. The noble lord concluded with severely condemning the ever-changing system the right hon. gent. had adopted towards the militia for many years past, and contended that the bill would go to the ruin of that constitutional branch of our defensive force. It was calculated to ruin the militia by taking the gentlemen of landed property away from it, and destroying the confidence which the men now had in their officers; it was also unjust in its operation on the public, as it occasioned an inequality of taxation on different classes of the people.

Mr. *Sheridan* rose for the purpose of entering his protest against the principle of this bill. He remained of the same opinion that he had formerly expressed. He agreed with the noble lord, that this bill would destroy the militia system, and in a manner the most unprincipled and insidious. It would lead to insubordination in the regiments, and was dangerous in a constitutional view, and unwise in a military one. One object he had in rising was, to take notice of the preamble. In that it was stated, "whereas it is important that his majesty's regular forces should be augmented." When, he asked, had this important discovery been made? Was it not known at the passing of the act of last session, when the right hon. gent. told us to count months and weeks and days and hours, till such an augmentation could be obtained? He contended, that the preamble of this bill ought to be, "Whereas an act was passed last session for augmenting his majesty's regular forces, which act had totally failed in its object, it is therefore necessary, that said act should be repealed." This he maintained was the language that ought to be employed, inasmuch as a bill that was to have produced 27,000 men had not produced a single man to our infantry. This would have been telling the truth, and truth was a very good thing in an act of parliament.

The *Chancellor of the Exchequer* observed that there was a small objection to such a preamble, which was that it was contrary to the fact.

Mr. *Fox* said, that if the right hon. gent. meant to say that the preamble proposed by his hon. friend, was contrary to the fact, because it mentioned that the bill had not procured one man, he was certainly in the right, because it had certainly produced more than one. But to say that this bill was any thing else than a repeal of the former to a certain extent, was most certainly erroneous, because if this was not the case, what was the meaning of the boasting promises which were heard when the former bill was proposed? Could the right hon. gent. not tell last year that such a bill as this would be necessary, notwithstanding his former measure? This was a curious circumstance; but the truth was, that it was then inconvenient to tell us any such thing. But he now found it out in the month of March. Was it because the recruiting of the army was at a stand? Why he had not proposed it earlier in the session, he could not tell, unless it were because he did not choose to be the first to confess that his bill had failed. The men now to be raised, could not be perfect regular soldiers for some time, after they changed their service. But the plain truth was, that the right hon. gent. had so abused the incapacity of the last ministers, that he found himself absolutely obliged to propose something new; but his novelty had failed, and now came another of his temporary experiments; and however civility might prevent the expressions of triumph from being too galling, yet when the colleagues of the right hon. gent. recollected and compared the epithets with which he then honoured them, with the evidence his own measures have given in his favour, whether in convivial meetings or in political consultations, they must feel a considerable pleasure, and even a degree of exultation. His chief objection to the present bill was, that it was part of that patchwork, temporizing, and unsystematic mode which characterized all the military measures of the right hon. gent. and from which experience taught us to expect nothing.

The *Secretary at War* said, that the observations which were so confidently made on the inefficacy of the additional force bill, were wholly without foundation. The recruiting, under the sanction of that bill, was proceeding with every prospect of advantage, and by these means, from 180 to 200 men per week were added to the service in G. Britain and Ireland. Was it to be said, that a measure productive, at the rate of 10,000 men per annum, was idle and nugatory? What was advanced with respect to the injustice of the bill now under consideration, was equally inapplicable; the intention was not to force the men from the militia regiments, but merely to receive those under a competent reward, who were anxious to join the regular establishment.

Mr. *Fox* rose to explain, that the bill could properly be denominated inefficient, because it was professedly to raise 27,000 men immediately, and it had wholly disappointed this design.

The *Secretary at War* affirmed, in reply, that, from its effects hitherto, there was every reason to conclude that it was already producing at the rate of 10,000 men annually.

Mr. *Fox* insisted, that it had, at least, totally failed of effecting what was promised from it.

Mr. *Sheridan* begged to observe, in explanation, that he did not say that the act of last session had not produced a single man to our general force, but that it had not added a single man to the British infantry, which by the returns on the table was considerably less in number than in the last year.

Mr. *Windham* commented upon the curious definition of success given by the Secretary at War. The success he, however, apprehended ought to have been in proportion to the promise. If 27,000 men were promised, and only 2 or 3,000 were produced, it could not be said that this was any great success. If a man were to promise to walk to York in four days, and had stopped the greater part of the time at Stamford, it might be said to him "Why don't you get on? you will not be able to perform your promise." He might answer to this, "Pray have patience a little, I am tired, and must stop for some time, but never fear, I shall make out my journey in good time to save my credit." Now, this might be very well as a promise, although certainly it would not be a very promising undertaking.—We were first told, "give it a trial, and then it will succeed."

But now the matter was carried much farther, for we were told that it actually had succeeded. But it certainly could not be said with truth, with regard to the past time, and, fortunately for the right hon. gent. who made the assertion, there were no other documents for any other time. He said that 180 or 200 men were procured weekly. This might be the case at present, but a very different result might be given at the conclusion. A very small difference in the centre made a very wide one in the circumference. He denied that this was an increase to our force, and dwelt upon the impolicy of making the militia officers discontented. He contended, that so far as the present measure would be successful, it was a repeal of the former. Why did not gentlemen call things by their proper names, and say that this was a bill for transforming militia-men into regular soldiers? Was their system so very changeable, that the recollection of their former measures passed away like visions; or did they think that they had performed something like a military manœuvre, that they had marched away in silence without the beat of drum, and left only their tents standing, that we might not be aware that the main body had stolen away under cover of the night. They had said, however, that their former measure had not had a fair trial, and accordingly they had more time given for the accomplishing of their object. But now it seemed that it was put off *ad Græcas Calendas*, in order to make way for this new plan.

Mr. *Canning* observed, that the right hon. gent. must forego the satisfaction which he seemed to derive from the idea of the bill being a repeal of the former. The operation of that bill was never intended to supply the vacancies that were to be filled up by the present measure. He must also forego the gratification of the confession that the former bill had failed. There was a difference between a total and a partial failure. The whole failure that had taken place, and that was admitted, was, that the men had not been procured in so short a time as had been expected. The best proof that it had not failed was that it was producing at the rate of 9000 men a year for the army. There was no inconsistency here. Because the former measure was not calculated to produce an immediate disposable force, It was agreed on all hands that it was proper to convert the indisposable into disposable force, as much as possible. He was surprised to hear the right hon. gent. say, that, to obtain the militia for the army, was not an increase of force, when he had been all along contending that the usefulness of troops did not depend on their numbers. Again, the charge of inconsistency lay with those who thought that an immediate reduction should take place, and yet opposed this measure. There might be differences as to the mode, but it was curious to hear those who wished for the reduction of the militia oppose all modes for that purpose. Some were for the gradual, and others for the immediate abolition of the slave trade; but it would be curious to hear one contend for the abolition, and yet refuse both of these methods. Considering all the objections, he was at a loss to guess to what they would come at last. They objected to different descriptions of force, and required that an exigency should be stated, and then attacked this measure as being a compromise. In a free country, every transaction of this nature necessarily partook of the form of a compromise; and upon the whole he thought that there was nothing solid in the objections to this measure.

Mr. *Giles* was astonished at the bold assertion, that the present bill was not a repeal of the additional force bill. The latter had three objects in view: 1st, to establish a permanent force; 2d, immediately to augment that force; 3d, gradually to reduce the militia: and this threefold design appeared in the preamble of the bill. The present bill, in the third object, by transferring 17,000 men from the militia to the regular force, so far, at least, manifestly repeals the former. Another object was comprised in the former, which was to extinguish ballots. These must be revived by the present bill; and so far again, the anterior measure was repealed. He was not at all surprised at the contradiction between these expedients, but at least they ought to be recognized and understood. It ought to be known, that the minister himself acknowledged, that the objections he had made with so much animation to preceding schemes of national defence were vain and futile, and that he himself was at last constrained to tread in the steps of his predecessor. The additional force bill, by a strange inconsistency, required the parish to supply the man, or pay the penalty of 20l. within the period of forty-four days, when the appointment of the men so to be raised was not to be assigned until three weeks posterior.

The *Chancellor of the Exchequer* said, that gentlemen had inaccurately stated both the facts, and the conclusions from those facts; he would admit, for the sake of argument, that their facts were correct, but he could not grant the same indulgence to their deductions from them. For a moment, therefore, he would grant that the additional force bill had wholly failed: the natural deduction then was, that some other measure must be resorted to; but gentlemen used it as an argument, that to the present, and no other expedient, should the country have recourse to supply the deficiency resulting from that disappointment. Gentlemen had likewise contended—

Mr. *Windham* here called the right hon. gent. to order, as going beyond the line of explanation; but declared, that he had no objection to hear the right hon. gent. out in defence of this measure, if by the rules of their proceedings, he could have an opportunity of replying to him.

The *Speaker* said, he was aware that the right hon. gent. as far as he proceeded, did not keep within the limits of explanation, and that he only waited till that circumstance should be taken notice of by the house, or till by the tenor of his speech it could be seen whether what he already said would be brought to bear upon any point of explanation.

The *Chancellor of the Exchequer* said, he should leave it to the judgment of the house, whether a short observation made by him before should, in the strictness of form, be considered as speaking to the question. What he said was certainly rather in explanation of what he said in a former stage, than in elucidation of the sentence which fell from him in this; but he should not proceed further if he found it to be against the pleasure of the house.

The *Speaker* again observed, that all which was necessary for him to do, was to state his conception of the order of proceeding, and as to the rest, it was to be disposed of at the pleasure of the house.

The *Chancellor of the Exchequer* then said, hat he did not wish to persist in any thing vhich was contrary to the forms. He was atisfied to let the question rest upon the ground on which it already stood; and he was the less inclined to urge the observations he had to offer, at the present moment, as he made no doubt but the gent. opposite to him would afford him opportunities enough of doing so.—The bill was then passed without a division.—Adjourned.

HOUSE OF LORDS.

Tuesday, April 2.

[Minutes.] Counsel were farther heard relative to the Scotch appeal, Cathcart *v.* the earl of Cassilis, viz. Mr. Adam as leading counsel for the respondent.—The bills upon the table were forwarded in their several stages.—Lord Hawkesbury moved the first reading of the militia enlisting bill, and that the bill be printed, which were ordered accordingly. His lordship then moved that the said bill be read a second time on Thursday next, and that the lords be summoned for that day.—Ordered.

[Standing Order.] Lord *Mulgrave* gave notice, that he should, on Monday next, move to have the order relative to the house resolving into a committee on the motion of any noble peer, taken into consideration. To this he was principally induced, by what took place last night; and, on account of the constructions which were put upon the order in question, in the course of the debate. Such an order was, he thought, inconsistent with the dignity of their lordships' proceedings, and might be productive of the highest inconvenience, admitting it to empower any lord at his pleasure, thereby to constitute himself a majority of the house; and, even when the most important public business might be regularly under consideration, to oblige the house to go into a committee. An order construed so as to operate in that way, was so objectionable in every point of view, that it should not be suffered to remain a moment longer than was necessary. He concluded by moving that the lords be summoned for Monday next.

Earl *Spencer* observed, that though the noble secretary had not stated the nature of his intended motion, yet it might, in some degree, be conjectured. As to the degree of inconvenience which that or any other standing order might induce, he should not then offer an opinion. He, however, could not avoid remarking, that the noble lord's idea, that "under the operation of the order alluded to, any peer might constitute himself, in effect, a majority of the house," would be an argument for the abrogation of every standing order in the book.

Lord *Mulgrave* acknowledged, he had not been sufficiently explicit in terms, as to the nature of his intended motion; but, when he had expressed his disapprobation of the order, in so marked a manner, he thought no doubt could arise as to his intention. However, he should now give a specific notice, that it was his intention to move, on Monday next, that the order in question be expunged.

The *Lord Chancellor* made some observations in support of what fell from his noble friend, relative to the effects and consequences of the order adverted to. He was adverse from its being considered as a standing order; its import and wording being different from all others of that description. In the way in which it was construed by some noble lords last night, it was the most inconsistent thing imaginable; for, in the event of the usual notice being given for its suspension, on any particular occasion, how could they know but any noble lord might, on the very day it was appointed to be considered, move the house to resolve into a committee? a proceeding which might be urged any moment while the order existed. An additional objection against the order was its general impracticability; because, were the order literally and fully enforced, their lordships, while in such committee, were required to sit, each in their proper places, according to their ranks and degrees; a proceeding which, in that new house, their lordships would find it rather difficult to carry into effect.

Earl *Spencer* observed that, circumstanced as their lordships were at present, the proceeding adverted to would be totally impracticable. He recollected, that some time since, a commitee had been appointed to settle and arrange the proper seats for the respective orders of the peerage in that house; but no report had yet been made upon the subject; that committee should be referred to. In the house in which they formerly sat, the respective places were regularly arranged; every peer knew his proper place when it was necessary he should sit in it; but, in the present house, that being not yet settled, such a proceeding was impossible.

The *Lord Chancellor* spoke in explanation, and slightly adverted to the inconveniencies which must sometimes arise from too literal an enforcement of the orders; alluding to what had taken place last night, and its being contended that a standing order admitted of no debate, but that it should be immediately acted upon; he adverted to the inconsistency of such an idea, which went to prevent a noble and learned friend of his from demonstrating that it was impossible to comply with the order in question.

Lord *Mulgrave* perfectly concurred in what had been thrown out by his noble friend on the woolsack. With respect to their lordships' being required by the order to sit in their proper places respectively; he conceived it to mean that the barons should sit together on certain benches, the earls on other distinct benches, the dukes on others, and so on. This consideration was with him an additionally strong and forcible objection to the order, which may render it necessary that their lordships should, as at the word of command, arrange themselves in a species of military array, or fall into their respective ranks, like soldiers on the parade: but setting any thing like a ludicrous consideration of such a proceeding aside, it militated, as well as other serious and more important objections, against the order.—The question was put, and their lordships ordered to be summoned for Monday next.—Adjourned.

HOUSE OF COMMONS.

Tuesday, April 2.

[Minutes.] Lord John Thynne took the oaths and his seat on his re-election for Bath.—Mr. Creevey gave notice, that he would to-morrow move for some further documents relative to the balances in the hands of the late hon. Keith Stuart.—Lord Brome brought in a bill for improving the port of Ipswich in Suffolk, which was read a first time.—Dr. Duigenan gave notice, that he would to-morrow move for leave to bring in a bill for the amendment of Queen Anne's bounty act, in Ireland.—Mr. S. Bourne, pursuant to order, presented an account of the application of the surplus revenue of the Isle of Man.—Ordered to be printed.—The innkeepers bill went through a committee, and was ordered to be reported to-morrow.—The customs duty bill, the American treaty bill, and the Bengal council bill, were read a third time and passed.

[Irish Militia Enlisting Bill.] The *Chancellor of the Exchequer* moved the order of the day for the house going into a committee on this bill.

Sir *John Newport* said, that having already fully stated to the house his opinion on this subject, and having found that the sense of the house was for passing this bill, he should not now take up their time with recapitulating the arguments he had before offered; he rose now merely for the purpose of suggesting to the right hon. the chancellor of the exchequer a measure that he thought would have the most important effect in increasing the disposable force of the empire from Ireland, or rather in encouraging those soldiers, who were not now disposable, to become so. The measure he now begged leave most earnestly to recommend, was to make such a provision for the wives and children of those who volunteered, as would at least remove the principal objection which now stands in the way of their volunteering. The wives of the soldiers in the Irish militia and army of reserve now receive an allowance of two shillings a week, and formerly received four; but, from the moment any of these soldiers volunteered for general service, this allowance ceased. If this great discouragement was removed, he was sure they would be much more ready to enter the regular army. At present, the misery that was entailed on Ireland, under the system which now prevails, was most dreadful. The face of the country was covered with the wives and children of soldiers begging their bread. There was hardly ever any considerable embarkation of troops from Portsmouth or Plymouth, that from 800 to 1,000 soldiers' wives were not turned loose to beg their way as well as they could to their own country. As most of them landed at the nearest Irish port of Cork and Waterford, he had often been an eye-witness of the extent of the evil which he now wished to be redressed.

The *Chancellor of the Exchequer* allowed that the suggestion of the hon. bart. was of the utmost importance, and deserved the most serious consideration. He was not then prepared to give any opinion on the subject, but he perceived that many difficulties stood in the way of the adoption of this suggestion. He was aware of the distress which was often felt in Ireland on account of there being no established system of poor laws in that country as there is in this; but he did not know how parliament could grant a specific allowance to the families of Irish soldiers, which was not granted to the families of the soldiers of the rest of the united Kingdom. He thought the hon. bart. was however mistaken in one point, as he was pretty sure there was an allowance given at the time of every embarkation, to carry the soldiers' wives home. Notwithstanding the difficulty that he saw in the adoption of the suggestion, he should certainly give it his most serious consideration.

Sir *John Newport* said in explanation, that the allowance given to soldiers' wives on embarkation was a guinea and a half; this might be barely sufficient to carry them to the nearest Irish port, but they landed completely destitute, and were obliged immediately to have recourse to begging.

Colonel *Bagwell* confirmed the statement of the hon. bart. as to the great degree of misery which the wives of not only the Irish soldiers in the regular army, but even in the militia and army of reserve experienced. During the last war, four shillings a week was allowed to the wives of the militia, which was sufficient to keep them from the necessity of begging; but since it was reduced to two, that allowance had been insufficient. He thought there could be no greater encouragement to volunteering from the militia, than granting some provision to the families of the volunteers.—The house then went into a committee on the bill, when some trifling alterations were agreed to, and the report ordered to be received to-morrow.—Adjourned.

HOUSE OF LORDS.

Wednesday, April 3.

[MINUTES.] Mr. Adam was heard in continuation in the Scots appeal, Cathcart v. the earl of Cassilis, on the part of the respondent. The several bills upon the table were forwarded in their respective stages. The innkeepers' rates bill, and several private bills, were brought up from the commons, and read a first time. A person from the post office presented an account of the net revenue of the post-office for 20 years, ending the 5th of Jan. 1805. Ordered to lie on the table.—Adjourned.

HOUSE OF COMMONS.

Wednesday, April 3.

[MINUTES.] Sir John Anderson brought up the report of the committee on the bakers' bill; which was agreed to, and the bill ordered to be engrossed. Mr. Manning obtained leave to bring in a bill for rendering more effectual the provisions of the London dock act. On the motion of Dr. Duigenan, leave was given to bring in a bill to amend the act for building Glebe houses in Ireland. The following papers, on the motion of Mr. Creevey, were ordered to be laid before the house, viz. A copy of the power of attorney, or other instrument, granted by the lords of the treasury to the then lord advocate of Scotland, now lord justice Clerk, to prosecute or give discharges for the claims made by government on the late admiral Keith Stewart; an account of all sums of money, or securities for money, paid by the representatives of the late admiral Keith Stewart to the lord justice Clerk, in pursuance of the said power of attorney, specifying the times when such sums or securities were paid; a copy of the account settled and discharged with the representatives of the late admiral Keith Stewart, by the lord justice Clerk acting under the aforesaid authority; a copy of the petition from the town of Edinburgh to the lords of the treasury, praying that 21,000l. be granted out of the balances due from the late admiral Keith Stewart, for the purposes therein mentioned; together with the reference made by the lords of the treasury to the court of exchequer in Scotland on the subject. On the motion of Mr. S. Bourne, it was likewise ordered, that there be laid before the house a copy of such further proceedings as may have been had by the lords of the treasury for the recovery of any sum due to the public from the representatives of the late admiral Keith Stewart. On the motion of Mr. Giles, it was ordered, that there be laid before the house a return of the number of effective men raised under the additional defence act from the 1st of Feb. last to the period of the latest return, stating the number of men raised per week, and specifying those provided by the parish officers, and those procured by recruiting officers; as likewise the number that had enlisted into his majesty's forces for general service. Mr. Bagwell brought in the bill for regulating Irish freeholders, which was read a first time. The innkeepers' bill, and the Irish spirit permit bill, were read a third time and passed.

[CONDUCT OF SIR HOME POPHAM.] Mr. *Dickenson* jun. moved, that there be laid before the house a copy of a letter from sir Home Popham to the secretary of the admiralty, dated 25th Feb. 1805, with its enclosures; also, a copy of a letter from the navy board to the admiralty, dated 1st April, 1805, in answer to the abovementioned letter of sir H. Popham; also, a copy of a letter from sir H. Popham to the navy board, dated Feb. 28, 1805; also, a copy of a letter from sir H. Popham to the navy board, dated March 26, 1805, with the answer of the board thereto.

Mr. *Grey* said, he did not rise to object to the production of these or any other papers that might tend to elucidate the subject, but merely to remark, that several weeks had elapsed since a variety of papers moved for on both sides had been presented, since which no inquiry had taken place. By such motions as the present the discussion might be postponed to an indefinite period.

Mr. *Dickenson* stated the grounds of his motion, which were, that sir H. Popham having discovered some imperfections in the original report of the navy board, had written to the admiralty on the subject, and that the amended report had not been received by the admiralty until yesterday. Some further conversation ensued between Mr. Grey, the Chancellor of the Exchequer, Mr. Dickenson, and Mr. Kinnaird; in the course of which Mr. Kinnaird intimated his intention of bringing forward a motion relative to sir H. Popham, on Tuesday, the 7th of May next. Mr. Dickenson's motions were then agreed to.

[IRISH UNION COMMISSIONERS.] Sir *John Newport* rose to make his promised motion for the production of a copy of the case laid before the attorney and solicitor general of England on the 16th of May, 1801, by direction of the commissioners for awarding compensation in Ireland in consequence of the union, relative to the claim for compensation from the attorney and solicitor general of Ireland; together with a copy of the opinion of the attorney and solicitor general of England upon this case. The reason which induced him to bring forward this motion, the hon. bart. stated to be this, that the house should be put in possession of the nature and conduct of this singular commission. It appeared, that notwithstanding their appeal to the judgment of the attorney and solicitor general of England, they had acted in direct contradiction to the opinion delivered by those learned gentlemen. But still more, and it was particularly necessary to call the attention of parliament to the subject, this commission had now been existing for several years, without really having any thing to do, and seemed still determined to go on. The commission consisted of four persons, each of whom received a salary of 1,200l. per year, and it was now above three years since the commissioners wrote a letter to the lord lieutenant, stating, that their business was so much diminished that they had no occasion to meet every day, as they had previously done, and requesting that they might be called on to meet only every Monday. In order to contrive some appearance of employment, he understood that those commissioners prolonged an inquiry upon a particular claim for several months, dividing the inquiry between them two and two alternately, Monday after Monday. It really struck him as matter of surprize and shame that such a commission should have been so long tolerated, and there appeared no disposition whatever to put an end to it. Indeed, according as it went on, it was likely to continue for ever, unless something was done to terminate its existence. Feeling that any expenditure of the public money that could be avoided under the present circumstances of the country ought to be prevented, and that this commission was now become unnecessary, he should take occasion very soon to call the attention of the house to this subject.

Dr. *Duigenan* said, that he was a member of the commission alluded to at the time stated in the motion, and that he did not recollect any such case as the hon. bart. alluded to. As three of the commissioners were lawyers he did not think they required any advice from the law officers mentioned in the motion, or from any other persons as to the mode of performing this duty. The learned doctor added, that he had long since resigned his place in the commission.

Sir *John Newport* said, that it had been already stated by the commissioners themselves, that such case had been laid before the attorney and solicitor general of England, and all he wished was, to see the opinion which had been given upon the case so stated.

Mr. *Sturges Bourne* was ready to pay attention to the opinions of eminent gentlemen at the bar, on cases fairly stated to them, and especially those who were so eminent in their profession as the gentlemen alluded to; but as this was a question concerning the affairs of Ireland, he thought the opinion of the attorney and solicitor general of that part of the United Kingdom ought to be taken also.

Mr. *Kinnaird* thought the hon. gent. who spoke last had made an extraordinary proposition by desiring to have the opinion of the only two gentlemen in the kingdom, who, by the rules of law and common sense, were necessarily excluded from giving it, because it was a case upon their own claim.—The motion was then put and carried.

[Lord Melville's Letter to the Commissioners of Naval Enquiry.] Mr. Williams, secretary to the commissioners of naval enquiry, presented a Copy of a Letter from lord viscount Melville to the commissioners of naval enquiry, dated the 28th of March, 1805, and of the answer thereto by the commissioners.

The *Chancellor of the Exchequer* moved, "that these papers do lie upon the table to be perused by the members of the house;" and he said he should immediately afterwards move that they be printed.

Mr. *Francis* wished to know whether a motion could not be made to print them immediately, so that there should be no delay in making them known to members.

The *Speaker* observed that the motion, that these papers do lie upon the table to be perused by the members of the house, must be disposed of before any thing else could regularly be done.

The *Chancellor of the Exchequer* said they could be printed without difficulty by to-morrow.

Mr. Alderman *Combe*, by way of giving to the house the contents immediately, moved an amendment, instead of laying them on the table, "that these papers be now read."

The *Chancellor of the Exchequer* had no objection, and therefore consented to withdraw his motion for the present to make way for that of the worthy alderman. They were accordingly read by the clerk at the table, and are as follows:

Copy of a Letter from Lord Melville to the Commissioners of Naval Enquiry, dated the 28th of March 1805.

Gentlemen; having read your Tenth Report, and observing particularly the following paragraph in the 141st page—"However the apprehension of disclosing "delicate and confidential transactions of "government might operate with lord "Melville in withholding information re-

"specting advances to other departments, "we do not perceive how that apprehension can at all account for his refusing to "state, whether he derived any profit or "advantage from the use or employment "of money issued for the services of the "navy. If his lordship had received into "his hands such monies, as were advanced by him to other departments, and "had replaced them as they were repaid, "he could not have derived any profit or "advantage from such transactions, however repugnant they might be to the "provisions of the legislature, for the safe "custody of public money." I think it necessary to state the following observations, in order to place in their just view the grounds on which I declined answering your question, and which you appear not to have accurately understood. When you first called upon me for information, I stated to you that I had no materials on which I could frame such an account as you required me at that time to prepare; and, in a communication with Mr. Trotter, before my examination on the 5th of Nov. last, I learned, for the first time, that in the accounts he had kept respecting my private concerns, he had so blended his own private monies with what he had in his hands of public money, that it was impossible for him to ascertain with precision whether the advances he had occasion to make to me in the course of his running private account with me, were made from the one or from the other aggregate sums which constituted his balance with Messrs. Coutts. This circumstance, which I understood Mr. Trotter had distinctly communicated to you, made it impossible for me to return any other answer than I did to the general question which you put to me—'Whether Mr. Trotter had applied any of the money 'issued for carrying on the current service of the Navy, for my benefit or advantage?' and to this circumstance I uniformly referred in my answer to other questions respecting the manner in which Mr. Trotter applied the money in his hands.—When you put the question to me, "Whether I did direct or authorise "Mr. Trotter to lay out or apply, or "cause to be laid out or applied, any of "the money issued for carrying on the "current service of the Navy, to my benefit or advantage?" my answer was, 'to the best of my recollection I never 'did.' That answer I now repeat. Had you proceeded to inquire whether I had ever any understanding expressed or implied with Mr. Trotter respecting any participation of advantage derived from the custody of the public money, or whether I at any time knowingly derived any advantages to myself from any advances of public money, I should have no hesitation in declaring, as I now declare, that there never was any such understanding, nor any thing like it, between Mr. Trotter and myself; that I never knowingly derived any such advantages; and whatever emolument accrued to Mr. Trotter in the conduct of the pecuniary concerns of the office was, so far as I am informed, exclusively his own.—With respect to any advances which Mr. Trotter might make on my private account, I considered myself as debtor to him alone, and as standing with regard to him in no other predicament than I should have done with any other man of business, who might be in occasional advance to me in the general management of my concerns entrusted to him. It is impossible for me to ascertain, from any documents or vouchers in my hands, or now existing, what the extent of those advances might have been at any particular period. The accounts which you have inserted in your Report, I never saw till I saw them in the Report itself. They are no accounts of mine, nor am I party to them. They contain a variety of sums issued nominally to me, which never came into my hands, and they give no credit for various sums received by Mr. Trotter on my private account from my salary as treasurer of the Navy, and other sources of income, of which he was in the receipt, nor do they take any notice of the security of which he was in possession, for the re-payment of any balance at any time due to him from private funds.—With respect to the sums of naval money advanced to me, and applied to other services, I do not feel it necessary to make any additional observations, except to declare, that all those sums were returned to the funds from which they were taken, having in no instance been withdrawn from it for any purpose of private emolument or advantage.—Before I conclude, I wish to correct an inaccuracy which I observe in one part of the evidence in Appendix No. 7, page 192. The question is put to me, "Did you derive any profit or advantage from the use or employment of "money issued for carrying on the current “service of the Navy, between the 19th of Aug. 1802, and 30th of April, 1803; or between the 1st of Feb. 1784, and 31st of Dec. 1785, during which periods you held the office of Treasurer of the Navy?” Which question I there answer by a reference to the answer given to a similar question put to me before. This answer is inaccurate, in so far as it contains a reference to Mr. Trotter's mode of blending his funds in his private account with Messrs. Coutts. Mr. Trotter was not paymaster till the year 1786. The circumstances, therefore, relative to Mr. Trotter's account, which precluded my returning an answer to your former questions, do not apply to the periods specified in that mentioned, and I can, therefore, have no difficulty in declaring, that during those periods I did not derive any advantage from the use or employment of public money issued for carrying on the service of the Navy. Having stated these facts, it is almost unnecessary to add, that I am at any time ready to verify them upon my oath. I have the honour to be, gentlemen, &c. (Signed) MELVILLE.

Answer of the Commissioners of Naval Enquiry to the above Letter, dated Office of Naval Enquiry, Great George-street, April 2, 1805.

My Lord—We have received your lordship's letter of the 28th of last month, by which you intimate that we appear not to have accurately understood the grounds on which you declined answering our questions, and submit to us some observations in order to place those grounds in their just view; and also express a wish, before you conclude, to correct an inaccuracy in one part of your evidence, and a readiness to verify by your oath the facts stated in that letter.—If it be the object of this communication, that we should again require your lordship's attendance, for the purpose of being examined, touching these matters, and that we should make a supplemental Report upon the result of that examination, and such other examinations as we might thereupon judge necessary, there can be no disinclination on our parts (as far as we are concerned in the proceeding) to meeting your lordship's wishes: But it appears to us that the Inquiry, which is the subject of the Tenth Report, has attained that period when it would not become us to adopt such a measure merely upon the suggestion of any of the parties to whose conduct that Report relates. We were occupied several months in investigating the mode of conducting the business of the office of Treasurer of the Navy. Those who were examined by us had the fullest opporunity of stating and explaining all things which related to the management of that department, or to the share which they respectively had in it; and of correctig, at any time, during the progress of the Inquiry, any mistakes which might inadvertently have been made. Our opinion and observations upon the irregularities and abuses which we discovered were formed and drawn up with the utmost care and deliberation; and they are now submitted to the three branches of the legislature, as the act, by which we are appointed, requires. If it could be made to appear upon a representation to them that any thing has been omitted on our part, that any misunderstanding or error had occurred, and that a further inquiry is adviseable, upon these, or any other grounds, it would be for them to direct such farther inquiry, and to decide by whom, and in what manner, it should be prosecuted; but, in the present circumstances, it appears to us that we cannot with propriety resume it. We have the honour to be, my lord, &c.&c. (Signed) Ch. M. Pole, Ewan Law, John Ford, H. Nicholls, W. Mackworth Praed.

The *Chancellor of the Exchequer* then moved, that these papers do lie upon the table for the use of the members of this house, and also that they be printed. Ordered.—Adjourned.

HOUSE OF LORDS.

Thursday, April 4.

[MINUTES.] Counsel were farther heard relative to the Scots Appeal, Cathcart, bart *v.* the earl of Cassilis, viz. Mr. Adam, in continuation, as leading counsel for the respondent. On the motion of the earl of Suffolk, lord viscount Melville's letter to the Commissioners of Naval Enquiry was ordered to be laid before the house.—The bills upon the table were forwarded in their respective stages.—On the second reading of Bowyer's Lottery bill, Lord Ellenborough made a few observations: though he was by no means favourable to the general principle of lotteries; yet, under the circumstances of the case, the present bill was one which might, without much risk of injurious consequences, be assented to by their lordships.—After some remarks from lord Walsingham, of a tendency favourable to the measure, the bill was read a second time, and ordered to be referred to the consideration of a committee.—Lord Grenville moved that their lordships be summoned for the 10th of May, on which day, he said, it was his intention to offer a motion relative to the Roman Catholics of Ireland. Lord Auckland expressed his opinion, that on a topic of such peculiar importance, as that adverted to by the noble baron, some idea should be given as to the nature of the intended motion. Lord Grenville, in reply, observed he had no objection unreservedly to state, that at present, his intention was to move on that day for a committee to take the petition into consideration.—Lord Auckland announced his intention to bring forward some farther propositions, in reference to the pending case of Mr. Justice Fox, and moved, that their lordships be summoned on the occasion, but on what day we were unable to collect. The order for the exclusion of strangers was then enforced, and the door closed for about twenty minutes. In the interval, as we could collect, their lordships were engaged in their judicial capacity, in investigating the circumstances of a case of a personal, and very particular nature, viz. some very gross and flagrant misconduct of the coachman of a noble peer on Monday night last, to one or two of the officers and inferior servants of the house; two of the marshalmen, and some of the persons alluded to were shortly interrogated upon the subject, and the result was, that proper persons were dispatched to take the delinquent into custody for the purpose of his being brought to the bar of the house.

[UNIVERSITIES ADVOWSON BILL.] Lord *Hawkesbury*, after adverting generally to the nature of this bill, which stood for commitment that evening, said it was a proceeding which, if entered upon according to the order, would materially interfere with the discussion of business of great national importance. The bill, he conceived to be of that nature as urgently to require a speedy discussion. He would therefore move, and to which he hoped no serious objection would be entertained, that the committee on the bill be deferred till Friday, the 26th of April.

The Bishop of *Oxford* had no objection to enter upon the discussion of the principle of the bill, at any time it should seem proper to their lordships. He had reason to believe, that he should be able to prove to their lordships, that it was a measure extremely necessary, and unattended with any of the disadvantages which were apprehended as likely to result from it.

Lord *Grenville* expressed his opinion that the bill, to which he was favourably inclined, was one of considerable importance. He was aware of the beneficial tendency of a mixed patronage with respect to clerical preferments; at the same time, he saw no necessity for restraining the universities from their due share in that patronage; as no body or corporation whatever could, he conceived, exercise an extensive right of patronage more beneficially to the interests of religion, or of learning, and, with respect to the interest of the latter, he conceived that a quick succession to the livings would be advantageous.

The Earl of *Suffolk* took occasion to advert to the bill which passed not long since, for ameliorating the condition of the poorer orders of the clergy. The leading provisions of that bill, he understood, were as yet nugatory; and it was his intention, on a future day, to bring the subject before their lordships. He had several letters from curates upon the subject; some of which, without stating names, he intended to communicate to the house. He expected more letters on the subject; perhaps what he then said would operate in some degree as an advertisement to that body of men to send him more communications of a similar nature.

The Duke of *Norfolk* expressed his understanding that some important modifications to the bill were intended.

The Bishop of *Oxford*, in explanation, observed, that he had consulted those the most competent to advise upon the subject; and had maturely considered it himself; and the result was, that the bill was produced in its present form. It may, however, admit of some modifications; but, in his mind, it needed none; and that the exigency of the case required such an act should be passed.—The question was put, and the committee on the bill deferred till the above-mentioned day.

[MILITIA ENLISTING BILL.] The order of the day for the second reading of the Militia Enlisting Bill being read,

Lord *Hawkesbury* rose, and stated, that after the thorough and repeated discussions the subject had hitherto undergone, it would not be necessary for him to take up much of their lordships' time, or to enter into any general considerations of the subject. He would first observe, that when the immense number of men who were in arms in this country was considered, their lordships would soon be aware that no military force whatever could be more respectable than that of the united kingdom. The only difference of opinion which could arise, was as to the arrangement and composition of this force, and the most effectual means of increasing the disposable force of the country. There was a general admission that this description of our military force should, under the present circumstances, form a much larger proportion, particularly with respect to infantry, of the whole, than it did at present. The object of the bill now before their lordships was to effect that; and the principal question which could arise, was as to the means adopted. The mode proposed by the bill, was to allow a certain proportion of the militia forces to volunteer into the regular forces, and into the royal marines. It should be considered, that the present militia establishment was calculated without a reference to a volunteer force, at the immense amount at which it stood at present. The principle of reducing the militia had been more than once recognised by parliament, especially by the act of last session, and the question that remained, therefore, was, whether, under all the circumstances of the country, it would not greatly conduce to the public benefit, to permit men to volunteer from the militia into the regulars, under the restrictions proposed by the bill, so as to increase our disposable force to the desired amount. He was a real friend to the militia system, but, he must contend, that on true militia principles, the present number and proportion of that force were too great to be kept up. The present state of the militia, with respect to its officers, was also a matter of serious consideration, and in these a great deficiency, to an aggregate, he believed, of between 400 and 500, particularly of officers duly qualified, at present existed. The present volunteer system not a little contributed to affect the officering of the militia. This latter force, with a reference to the true militia principles, should not be suffered to exceed 40,000 men. That principle admitted, the mode of reduction was comparatively of little importance; the execution of the present measure was, in the first instance, confided to militia officers themselves, who, he trusted, would feel the great public importance of the duty entrusted to them. A measure similar to the present was adopted in the course of the last war, but destitute of the advantageous provisions of the present bill. The great importance of its object being generally admitted, he trusted its details would, on discussion, in the regular opportunity, be found equally unobjectionable. Any farther commentary on the merits of the measure he should leave to other noble lords more conversant than himself in the particular subject. He should now content himself with moving their lordships to give a second reading to the bill.

The Marquis of *Buckingham* said, he could not give a silent vote upon the occasion. He denied that any similitude existed between the present bill and that alluded to, as enacted during the late war; there was then an imperious duty upon them so to enact, and the circumstances of the country were widely different as to its defensive situation and the naval power of the enemy; the present measure would, he contended, prove inefficacious, and it was odious and disgusting to the militia officers in general; and all the military measures of the present ministers were injurious to the militia system. In the former instance, the militia were in number too great and unwieldy to be conducted on true militia principles, and the preamble of the bill he alluded to, declared that a great defensive force was no longer necessary in the country. There existed at that time also a legal necessity for diminishing the militia. In all these particulars the country was at present in the reverse, or in a very different state, and ministers themselves must feel, that the defensive force of the country could not be safely diminished. The measure, taking it in every point of view, had his decided disapprobation.

The Earl of *Derby* followed on the same side, and supported the arguments of the noble marquis. He censured the measure in question as unjust in its principle, and unlikely to produce the desired effect. It was a miserable expedient to think of robbing one branch of the military force to supply another. Some of the provisions of the bill would tend to defeat its object; and it was idle, he conceived, to think of procuring 17,000 men by it. In illustrating this position, the noble earl entered into some detailed considerations of the measure. What must Bonaparte think, on seeing us driven to such a shift to procure a disposable force to that amount? He deprecated the rejection of his right honourable friend's idea in another place, of not enlisting the men for life. Adverting to the general misconduct of ministers, he glanced at the recent successes of the enemy in the West Indies. He imagined that 40,000 men, as the extent of the militia, was as many as could be kept up on true militia principles, and he considered what fell from the noble secretary as a sort of pledge, that such a number of militia forces were to be kept up. There were a zeal and spirit in the country, if properly directed, adequate to all its exigencies; and an abundant disposable force was to be obtained, were proper means resorted to. It was impossible not to perceive that the militia officers in general were disgusted with the present measure. A great deal of the military difficulties, which the country at present laboured under, particularly in regard to inlisting men, was to be attributed to the conduct of the late minister, now a member of that house. After the treaty at Amiens, had a different line of conduct been adopted with respect to the militia, its numbers might easily and cheaply have been completed, and kept up, by means of the numerous discharges from the other branches of the national force. With the noble marquis, he generally and strongly disapproved of the present measure, and censured the policy as weak and dangerous, which, in the present circumstances of this country, went to diminish her defensive force.

The Earl of *Buckinghamshire* said, the late administration had found it expedient to increase the militia to the amount at which it now stood, and had not the act of last session, for gradually reducing the militia, been passed, he should not have consented to the present measure; that act, however, having passed, the only question was, whether the militia should be reduced, without the country having the benefit of 17,000 men being added to its disposable force or not. Under these circumstances, he did not hesitate to give his warmest and most cordial support to the present bill. With respect to the statement of the noble earl, that a French force was now riding triumphant in the West Indies, he had every reason to believe that a British force was now there which would effectually prevent the former from riding triumphant in the West Indies, and he could add to this, that every precaution had been taken by sending additional troops to guard our possessions in that quarter of the world. He paid some warm compliments to the noble earl for his conduct as lord-lieutenant of a county, in which capacity, although administration had not the satisfaction of his support in that house, he did every thing possible to promote all those measures which they employed for the benefit of the public service.

Lord *Borringdon* observed, that the vote of every noble lord ought to be directed by the answer which he could give to the three following questions. First, it might be asked, whether it was not extremely desirable, that a large body of well-trained soldiers should at this moment be added to our disposable force? If it were admitted that this was extremely desirable, then the next question came to be how this addition was to be obtained, and what mode could best answer the end in view? And in the third place, it was to be considered whether the inconveniencies attending the procuring of this disposable force were so great as to counterbalance all the advantages that could be derived from it? That it was necessary, at this moment, to have as large a disposable force as possible, few who were properly sensible of the condition of Europe could deny. It was the opinion of military men, that if one half of the force now expected to be raised had co-operated with the Austrian army at the battle of Marengo, the event of the day would have been extremely different from what it was. His lordship also adverted to the brave conduct of the militia in Egypt. The present was the best mode of procuring them that could be adopted, and the advantages, he was convinced, would far out-balance all the inconveniencies. He concluded, by expressing his hearty assent to the measure; but was afraid that it would not produce so great a number as was expected.

Lord *Cawdor* thought that the right hon. gent. at the head of affairs little understood the matter, when he thought that he would be able to enlist a force, such as the present bill proposed, from the militi into the regular army for life. He would find that he would procure none but those whose dissolute lives might make it convenient or desirable for them to change their situations, or who, induced by the bounty, which would enable them to get drunk for a few weeks, might enlist with a view of afterwards deserting. He could not forget the shameful scenes which had occurred when a similar measure was formerly adopted. He recollected, though he took no merit to himself from the circumstance, that his regiment was in a higher state of discipline than most of the militia regiments then were. The consequence was that few of his men volunteered. He received a complaint on the subject from lord Melville, and he at the time stated to that noble lord the real cause of the supposed failure on the part of his regiment. Wishing to avoid the recurrence of a similar circumstance, he recollected too that he had applied to the noble earl opposite (Buckinghamshire), and although he declined giving him any assurance in his official capacity, he gave him to understand, as a friend, in the most satisfactory terms, that no such measure should again be resorted to. He left it to those noble lords who formed part both of the late and present administration, to reconcile this in the best way they could.

The Earl of *Westmoreland* said, that objections were made, both to the principle of the bill itself, and to the time when it was produced. The first objection was grounded on some supposition, that the measure was unconstitutional. It was true, that the term constitutional was applied with considerable latitude, according to the opinions noble lords entertained of public measures. By the statute 30 Geo. II. the militia was to serve 3 years, and then was to be permitted to enter into the army, or to engage in any other occupation. What then could there be unconstitutional so directly opposed to the feelings of noble lords, as friends to the British monarchy, if, after a period of 2 years, they had the same privilege they would enjoy at the termination of 3 years? Much had been objected on the ground of parochial expence; but on a fair calculation, by this bill, little or no difference would be occasioned in that respect: what was thrown upon the parishes in the way of ballot, would be counterpoised by the relief given in respect to the families of 17,000 men who would no longer receive the same support. It had been said, that the officers of the militia almost universally were dissatisfied with this measure; and the decision, at a meeting of 32 officers at the St. Alban's, had been conceived to be the general expression of the opinions of 500 officers, who composed that respectable body. This statement was wholly incorrect, no general conclusions could be drawn from such a circumstance; many officers had already expressed their concurrence, and it might be more prudent if some others, in particular situations, would not be hasty in proclaiming their disapprobation.

The Earl of *Carnarvon* rose and spoke as follows: If every day did not convince me that public faith and public honesty were of little importance in the eyes of many statesmen, I should be indeed surprised at the proposition now under discussion, when the ministerial breath is scarce cold which held out to the country, before a consenting parliament who adopted the pledge, that this system, degrading to the militia, and of the highest injustice to those on whom it was an unequal burthen, should never be again recurred to. We are, indeed, told that necessity, in the management of public affairs, has neither faith, nor honesty, nor law; that the necessity of the existing moment will justify every deviation from the soundest principles of the past. We have been told that though it might be fit and proper, at one time, that the defensive force of the country, in the form of a militia, should be augmented at the expence of the land occupier, it was equally fit and proper, at another time, that the militia should be reduced, and converted from an appropriated to a disposable force. All this, I am ready to admit, may be in possibility, and in the abstract true, and justifiable by an imperious necessity; but parliament will, no doubt, expect the clearest proof of the peculiar necessity which is at this moment paramount to all other considerations. Necessity has been, however, truly called the tyrant's plea; and if parliament is, as it ought to be, a jealous parliament, watching with patriotic care over the rights and interests of the people, it will distinguish between a necessity simply asserted, and that which is distinctly proved. We are told that this measure is no novelty: unfortunately it is not; nor is it a novelty, in the long and changeful history of parliament, delivered down to us stained with the variation of each soil, and on which motley and disfigured stock we have grafted the more subtle poison of our days, that parliament should, on the bare assertion of any of its members, without the slightest proof, acknowledge necessities of state unknown to all the world besides: but though every species of neglect and injustice may have its precedent in the history of parliament, and in the practice of ministers, I shall think it my duty to suppose, that parliament does not therefore mean to sanction neglect or injustice, and that it will not act blindly or without proof and conviction of the absolute necessity. The noble lord who spoke last seems to think that the proof of necessity is his assertion of it; he also concludes that the present bill is entirely consonant to the principles of the militia, because the militia, in its original formation, was only for a limited period, and contained a clause by which a rotation of officers and men were secured to the county: but nothing can be more clear than the difference between an establishment, in which the officers and men of a county had a rotation of service that gradually made the whole county fit for its defence, and a premature destruction of that defensive force, raised at the expence of the land occupiers, which is effected by this bill. The noble lord who spoke last does not, indeed, rely much upon the arguments he has used, (and in that I am not surprised), but he has endeavoured to augment their efficacy by threats. The noble lord is a cabinet minister, filling a high office and a confidential situation; he assumed tones and gestures which rendered the threat intelligible to those who could scarce conceive its absurdity; he reminded those who hold the offices of county lieutenants, and command county regiments, that great persons have lost such offices for offensive opinions which they held; he hinted that the subject was delicate, but he advised deliberation and caution to those who held these opinions, before they ventured to urge them. This threat, indecent in itself and disrespectful to the house, as disgraceful to him who uttered it as offensive to those to whom it was addressed, can have no other effect than to raise the contempt of the last; and to convince all those who heard him that the noble lord himself is capable of conforming his opinion to the pleasure of those from whom he holds his office; that he is capable of submitting to such disgraceful control I have a right to say, for he himself has told us so by uttering the threat and supposing its successful operation. [Here lord Westmoreland rose and said that he meant no threat, but a friendly caution.] Lord Carnarvon continued:—The noble lord has not by his explanation (I had nearly said letter) made his case much better. The popularity of a constitutional militia for home defence not exceeding 32,000 men, in 1757, induced the land owners to petition for such force, and to charge themselves with the expence of the levy. The offered establishment was accepted, but it never found favour in the eyes of ministers, commanders in chief and generals; they harassed the land occupiers by the burthen of its augmentation, and the officers by its reduction and conversion of the regiments, which they had formed for the internal defence of the country, into a drill for foreign service. The military system of this country has been in a constant state of fluctuation for many years, but more particularly since the late war. This is the only country in Europe that has not a regular, fixed and well-known rule by which to arm themselves for offence and defence in time of war. We have wavered between war militias; volunteers of shopkeepers, who cannot quit their shops; armies for limited service, to be afterwards tempted to volunteer into unlimited service; new fangled, antiquated, and unpracticable prerogatives, dragged out of the charnel house of rotten and decayed usurpation, to bolster up a modern system of unconstitutional defence, more odious and alarming than the invasion which it was intended to meet. The constitutional principle of a regular army, with the consent of an existing parliament, so jealously asserted and preserved at the revolution in the declaration of rights, and re-echoed annually in the preamble of the mutiny act, has been trampled under foot by an incomprehensible act, known by the name of the parish act, which, without raising the men for present use, (in which it has failed), has inflicted a fatal wound on the constitution, by enabling the king, without the future consent of parliament, to raise 57,880 men, or 20l. per man to raise them by. At the hopeless treaty of Amiens, called by its negociators and panegyrists an experimental peace, and by Spain, in its late negotiations, a continuation of the war;

at this peace, which, according to all opinions, gave no hopes of its continuation, or removed the fear of war to a great distance, and of a vigorous, not a languid war, which is a contradiction in terms, after the full experience of the preceding war in which every trick had been practised upon, and every shape given to the militia; the practice of recruiting the army from the militia was, on the fullest investigation, considered as an error, and solemnly renounced by govt. before an assenting parliament; and they considered it as essential to the defence of the country and to the vigorous disposition of the regular force, that the war establishment of the militia should be unalienably increased 20,000 men. On these assurances of govt. and pledges from parliament, the land occupier acquiesced without a murmur, and the abated zeal of the patrons of the militia and its officers revived, and the discipline of the militia was again restored. If this bill should pass, the faith of ministers and of parliament is for ever blasted; it will be obvious that pledges are put forward to carry a point on public credulity, and not to be kept: their present justification cannot save the then administration from the imputation of the grossest fraud. It is in vain to say, that it was just and equitable to hold out an unalienable defensive militia, to be augmented at the expence of the land occupiers, from the prospect of war; that it was just and equitable to raise such force at their expence on the breaking out of the war, and immediately to seduce them from that service for general service out of the public purse, leaving the land occupier with the expence of that home defence of which he is to be plundered. This is a gross fraud and injustice, and has no termination, for if a change in public affairs can in so short a time justify such a change in our defence, in as short a time it may justify a return to the contrary system, and another *augmentation* may, with equal fitness and propriety, be raised at the renewed expence of the land occupier. Govt. has the audacity to propose to parliament, and to do themselves in parliament, what no individual would venture to do singly, out of parliament, in the private intercourse of life; or if he practised such iniquities, he would not be endured in society. Such conduct must raise universal indignation and a feeling of criminality to ministers, who have sacrificed the constitution of the country to the little views of the moment, and rendered it less the object of love and affection to those who might look with indignation on the errors and vices of ministers, and with loyalty and affection on the preserved constitutional govt. of the kingdom. Since the peace, the militia has been made a pretence to raise men on the private purse of the land occupier, without relieving him from his share of the public purse. The learned lord on the woolsack knows that when the army of the nation was of old drawn from the land tenants of the crown holding by knight's service, such land occupier was exempted from all talliage or taxes, and was entitled, as of right, to a writ of exemption. The land tax has of late been made permanent on him; and a practice has, since the last war, been introduced, which, besides an augmented militia to the number of 60,000 men, has burthened the private purse of the land occupier, and not the treasury of the nation, to pay the levy of above 31,000 for the army of reserve, and nearly 58,000 *permanent force* by the parish bill, amounting in the whole to 149,000 men not stated by ministers in the army estimates. And let it not be imagined that the expence falls the less on the land occupier because the overseer of the poor may, if he can, raise the men by the sum paid to him by the crown; the act will show that the crown cannot give a sum *above* three fourths of the bounty that shall be allowed to raise regular forces, and it is not easy for the overseer to obtain a man when government offers for the same man one-fourth more. But should the crown give only 6d. to the overseer, which the king's minister may do, or any sum much below three-fourths, as to make it quite impossible to obtain a man, the penalty of 20l. per man attaches on the parishes, to be paid by a rate from the land occupiers, so that the 58,000 men may be raised at the will of the crown, at any time, and 20l. per man, viz. 1,160,000l. The whole sum raised, or to be raised, from the land occupier's purse, since the peace, amounts to three millions and an half, besides the expences incurred in keeping up the force of 149,000 men. This is the reward which the land occupiers have received for their generous and voluntary levy of 32,000 men out of their private purse; this is the treatment which they have experienced for renouncing, through zeal, their domestic comfort, without professional views. These acts of hardship and injustice have not even the dirty plea of economy in obtaining men for general service. A short statement will prove this beyond doubt: 40l. and even 50l. has been given for raising the war augmentation of militia. I put that at the low average of 30l.; less than 12l. I have not yet heard of, as the intended seduction money, making together 42l. for such soldier so obtained; the present price of army recruiting is 16l. per man, which deducted from 42l. as before stated, leaves a suplus of 26l. which is the sum given more than the man is worth; so that the land occupier is charged 26l. that the public purse (to which he also pays) may be spared 4l.; and the subjects of Great Britain are plundered, that ministers may appear less profuse in the army estimates. They have also another motive, equally criminal, which has induced the repeated augmentation of the militia *with a view to its reduction.* No necessity has been shewn for the present bill, and as the persons who moved the augmentation concur in the present reduction, they must therefore have intended to involve a large body of men, at the expence of the land owner, in a situation from whence they could be more easily seduced than from their domestic homes. These are tricks which may not add to the disgrace of a profligate administration, but are below the dignity of parliament, and dangerous to its constitutional popularity.

The Duke of *Montrose* stated, that he felt as a militia officer some regret at perceiving the necessity for reducing that force, but however partial he was to the militia force, he felt also that at the present time the country was more in want of regular disposable forces. He had heard various schemes suggested, but from the best attention he had been able to bestow on the subject, he was convinced that by no other means could a body of twenty or twenty-five thousand troops be added so rapidly, or with so little inconvenience, to our disposable force. The measure would not diminish our defensive force, for ministers were bound upon their responsibility always to keep in the country a sufficient number for its defence.

The Earl of *Suffolk*, both in the regulars, and in the militia, had frequently seen the serious mischief arising from irregularity and disorganization. Those who had seen the troops embark for Holland, might without the gift of prophecy, have anticipated the event of that disgraceful expedition. The troops in Egypt, which did so much honour to the country, were trained by a most able and illustrious officer, now commander in chief in Scotland, and by another of extraordinary merit (sir Charles Stewart), of whose services the country had been deprived by death. This was not a time, when measures proposed by ministers could be received with much confidence; the misfortunes in the East Indies were known, and new calamities awaited us in the West, in consequence of the escape of the Rochefort squadron which might be attributed, justly, perhaps, to the deficient vigilance of the noble lord (Melville) at the head of the admiralty. We should not have had to lament such a mischance, if the gallant and illustrious officer, who so lately filled that dignified situation, had still exerted his talents for the protection and glory of the British navy.

Earl *Camden* supported the bill, on the ground that an augmentation of the disposable force of the country was necessary, to which the present measure would essentially contribute. This was to be effected in a manner as satisfactory as possible to the feelings of the militia officers, who were a body whom he respected, and who were entitled to the approbation of the country for their zeal and great exertions.

The Earl of *Romney*, after hearing from all parts of the house the praises of the militia and their officers, was much astonished at the reward they were to receive; the men were to be sent out of their native country, and the officers, who were all men of property, were to be stripped of the troops they had themselves trained for the purpose of defending that property and their country. He was decidedly against the bill, which went to the destruction of the most constitutional force in this country. The militia, from the time of its introduction in 1756, had been gradually improving in discipline and utility. It had been officered by some of the most considerable individuals in the kingdom, and had far exceeded the expectations of those by whom the institution was originally brought forward. He was a friend, as much as any noble lord could be, to the augmentation of our disposable force; but he could never consent to this as the mode in which that augmentation could be most dvantageously obtained. The augmen-ation so procured was at the expence of he feelings and wishes of those who had rought the militia to their present state f improvement, and therefore he felt imself called on to resist the further pro-ress of the measure.

The Earl of *Carlisle* considered the pre-ent as only another wretched expedient of he present wretched administration. If hey did not destroy the militia complete-y, it was only because they did not dare to enture on so unpopular a measure. But hough they did not actually destroy the nilitia, they did every thing which could lisgust all men of honourable feelings. They first employed some of the most re-pectable gentlemen in the kingdom to xert all their time and influence in pre-aring the militia for service, and then they vithdrew the men from under their con-rol. All the labour was undergone with-ut any of the reward or the honour to vhich their exertions were entitled. On uch grounds he opposed the bill, and de-lared his conviction that enlisting for a imited period was, in the present circum-tances of Europe, the only effectual mode f procuring that regular force, the ne-essity of which was on all hands admitted. His lordship illustrated these ideas at some ength, and concluded with declaring his letermination to oppose the present mea-ure.—The lord chancellor having put he question, that the bill be read a second ime, a division took place, when there ap-eared, contents 102, non-contents 54; najority 48. The bill was then read a econd time, and ordered to be committed o-morrow.—Adjourned.

HOUSE OF COMMONS.

Thursday, April 4.

[Minutes.] Mr. N. Vansittart took he oaths and his seat, for Old Sarum.—The London bread assize, and the Irish mi-itia volunteer bills, were read a third time nd passed.—Lord Stopford acquainted the ouse, that his majesty had been waited pon with the addresses of Friday last, and ad been pleased to give orders accordingly.—Sir W. Scott brought in a bill for the better ncouragement of seamen, and the more ef-ectually and speedily recruiting of his ma-esty's navy, which was read a first, and or-lered to be read a second time on Tuesday, n order that it may be printed in the inter-al. He stated that he should move for a committee, and that the clauses should be filled up, and a sufficient time allowed for the consideration of the numerous provisions it contained; which being agreed to, he moved that the house should to-morrow resolve itself into a committee to consider of so much of the prize agency act as related to the salaries, perquisites, and emoluments, of Malta, and the Bermuda and Bahama islands; which was agreed to.—Sir R. Lawley said, that in consequence of the delay and difficulty attending it, he should move for the discharge of so much of the order he formerly moved for, as related to the expence of volunteer cavalry in respect to the articles of horses and hair powder; which motion was agreed to. He then moved for a detailed statement of the funds applicable to the expence of the volunteer service, from the office of the agent general, together with the expence of that establishment, and also the expence of payment of the staff of the volunteers, from the 24th of Sept. 1804, to the 1st of Jan. 1805.—A message from the lords announced that they had agreed to the coastways importation duty, and the excise duty bills.

[Irish Lunatics Asylum Bill.] Sir *John Newport* moved the order of the day, for the second reading of the bill for the protection of Irish lunatics. He said, that the act of 27 Geo. III. c. 29, which impowered grand juries to report upon the state of the charitable establishments, had not been carried into execution with any regularity. The principal object of this bill, was to remedy the inconvenience arising from the numerous establishments for beneficent purposes, yet very distinct in their nature, which were placed under the same general provisions. The act, sect. 8, empowered the grand jury to provide a ward for lunatics, and the sum expended was to be accounted for by the surgeons of the grand infirmary; and the consequence was, that 20 or 30 persons, in the unhappy state of mind alluded to, required as much attendance, as would be necessary for 150 under the act now proposed. Another design of the bill was, that the accounts should be annually submitted to the inspection and control of parliament. He much lamented the neglect, in regard to the insane, in some of the districts of Ireland, but he was happy to make an honourable exception in favour of the neighbourhood of Waterford, where an institution for their assistance was formed, which had met with the peculiar approbation of the great and benevolent Howard.

Mr. *May* did not see the propriety of passing a new act, while another existed in the statute book, competent to the purpose now proposed. The design of the bill was to provide for a thousand mad Irish. At present these were under the protection of the grand juries of the county. The bill now under consideration, would take this important duty out of the hands of the respectable persons to whom the discharge of it was committed, and would place it with others who were less suited to the purpose. He added, that the only effect would be to impose a tax upon the counties, unnecessary and impolitic, and he concluded with moving the amendment, that, in the lieu of the word "now," the term, "six months," should be substituted.

Lord *Dunlo* hoped the hon. bart. would not press the second reading of the bill on this day, but defer it till after the assizes in Ireland, in order to give the grand juries an opportunity of considering it. He expressed several objections to the provisions of the bill, as the distance of the asyla from each other would take the patients so far from their former residence, and sometimes 50 or 60 miles away from the visits or inspection of their friends; and, in that part of the country which he had the honour to represent, he saw no strong symptoms of extraordinary madness which could induce him to vote against the amendment.

Colonel *Bagwell* animadverted on the inconsistency of the noble lord, who began by expressing a wish, that the bill should be delayed till the assizes were over, and afterwards concurred in a motion for its total rejection. He highly approved of the object it proposed, as there was a vast number of those objects to be seen swarming in every part of Ireland.

Mr. *Alexander* said, that though he approved of the outline of the measure, he must object to the mode in which the object was proposed to be accomplished. He thought the bill drawn up hastily and inaccurately, and could see no necessity for all this complicated machinery. He should, therefore, vote for the amendment, in hopes that another bill would be brought in, which would be better adapted to the purpose.

Sir *J. Newport* replied, that all the objections made to the bill appeared to him more applicable to a committee. It was notorious, that the act of the 27th of his majesty had been neglected, and that the returns of the grand juries of Cork, Limerick, Waterford, Ennis, and most of the other counties, were a negative to the provisions made by it. With regard to the power of the lord lieutenant, it was confined to the original direction, and the inspection, detail, and regulations, would be under the control of the judges at the assizes. He declared sincerely to the house, that the object of that, or any other measure he should propose, was not meant as a party job, or a provision for any individual, but purely founded on the report of the committee. If, however, the house should not think proper to assent to the motion, he hoped the house would take care that the grand juries should be compelled to make returns of the provisions they should make, in compliance with the act of the 27th of his majesty.

Sir *G. Hill* expressed himself against the bill, which he thought to be unnecessary, when sufficient powers were already given to the grand juries.

Mr. *Lee* said he would oppose the present bill, but was ready to support any other, which would accomplish the same objects in a better manner.

Mr. *Fitzgerald* thought the law at present competent to attain all the objects of the bill.

Sir *J. Newport* said, that finding the sense of the house to be against the bill, he should beg leave to withdraw it, but not with the intention of bringing in another.—The amendment was then agreed to, that the bill should be read a third time this day six months.—Adjourned.

HOUSE OF LORDS.

Friday, April 4.

[MINUTES.] The royal assent by Commission was given to the Customs Duty, Excise Duty, Legacy Duty, and eleven private bills.—A Copy of the Letter from Viscount Melville to the Commissioners of Naval Enquiry, together with the answer of the Commissioners, were presented at the bar, and ordered to be printed.—Lord Hawkesbury moved the Order of the day, for the commitment of the English Militia Enlisting bill. The house having resolved itself into a committee, he moved, if noble lords had not objections

o propose to any of the clauses, that the
ill should be read short, which was ac-
ordingly done, and an order made, on
he motion of his lordship, that it be read
third time on Monday.—Lord King
vished to asked of the noble secretary of
tate, whether it was the intention of his
najesty's ministers to propose any bill for
rolonging the commission of naval en-
uiry, which, owing to the arrangements
hat had been adopted for the opening of
he present session, would expire with the
ession? If ministers did not think pro-
er to renew a commission, from which so
nuch advantage had been derived to the
ublic, he would feel it incumbent on him
o bring forward a bill to that effect. Lord
Iawkesbury was not aware that his ma-
esty's ministers had come to any deter-
nination on the subject, but he under-
tood, from what had passed in another
lace, that time would be allowed to them
o finish the important enquiries in which
hey were engaged.—The Irish militia en-
isting bill, and several private bills, were
rought up from the commons. The Irish
nilitia enlisting bill was read a first time,
nd, on the motion of lord Hawkesbury,
rdered to be read a second time on Mon-
ay.—On the commitment of the Ameri-
an ships licence bill, lord Sheffield ex-
ressed his disapprobation of the principle
f the bill, and protested against extend-
ng such advantages to foreign ship owners,
vhen the ship owners of this country were,
nany of them, notoriously in a state of
nsolvence, occasioned by want of employ-
nent for their tonnage. It was not, how-
ver, his intention to divide the house on
he bill. The bill was then reported.—
djourned.

HOUSE OF COMMONS.

Friday, April 5.

[MINUTES.] The Speaker, attended by
he house, proceeded to the house of peers,
nd being returned, he reported that the
ouse, at the desire of the lords, autho-
ized by virtue of his majesty's commission,
ad been at the house of peers, where a
ommission under the great seal was read,
iving the royal assent to the following
ublic and private bills, viz. An act for
ranting to his majesty additional duties,
vithin G. Britain, on certain goods, wares,
nd merchandize, imported into, or brought
r carried coastwise; an act for granting
o his majesty several additional duties of excise in G. Britain; an act for granting to his majesty additional stamp duties in G. Britain on certain legacies.—A petition of the master pilots and seamen of the trinity house of Newcastle upon Tyne, was presented to the house, and read; setting forth, that the petitioners are incorporated by divers charters from the crown, and by virtue thereof do collect and receive, for keeping and repairing two light-houses at North Shields, at or near the port of Newcastle, certain duties prescribed by the said charters to be paid by the owners of ships or vessels entering the said port; and that the said light-houses have, from alterations in the channel and course of the river, become ill-placed, and unfavourable to the safe navigating of vessels; and it is necessary that two new light-houses should be erected, which will give a different line of direction or leading mark to ships entering into or leaving the said port; and that from the necessity of consulting and advising with a large and numerous body of men interested in the trade of the port, and residing at different places, the petitioners were not able to present their petition to the house before the day fixed for presenting petitions for private bills had expired; and therefore praying for leave to present a petition for a bill for erecting the said proposed new light-houses.—Leave granted. A message from the lords, by Mr. Simeon and Mr. Stanley; that the lords have agreed to the bill, intituled, An act to enable the East India company to appoint the commander in chief on the Bengal establishment to be a member of the council of Fort William, in Bengal; notwithstanding the office of governor general of Fort William and the office of commander in chief of all the forces in India being vested in the same person; without any amendment; and also, that the lords have agreed to the bill, intituled, an act for regulating the police of the city of Edinburgh and the adjoining districts, and for other purposes relating thereto; without any amendment.—Sir Hew Dalrymple Hamilton reported from the committee, to whom the bill for erecting and maintaining a harbour, docks, and other works, at Ardrossan, in the county of Ayr, was committed; and to whom the petition of Robert Carrick, of Braco, banker in Glasgow, in the county of Lanark, was referred; that no person appeared before the committee in support of the petition; and that the committee had

examined the allegations of the bill, and found the same to be true; and that the committee had gone through the bill, and made several amendments thereunto, which they had directed him to report to the house; and he read the report, and afterwards delivered the bill, with the amendments, in at the table, where the amendments were read, and agreed to by the house.—Mr. William Dickinson presented to the house pursuant to their orders, copy of a letter from sir Home Popham to William Marsden, esq. secretary to the admiralty, dated 25th Feb. 1805; with its enclosures; and also, copy of a letter from sir Home Popham to the navy board, dated 28th February 1805; and also copy of a letter from sir Home Popham to the navy-board, dated 26th March 1805; with the answer of that board thereto; and also, copy of a letter from the commissioners of his majesty's navy to William Marsden, esq. secretary to the admiralty, dated 1st April 1805, together with a schedule of the said papers: and the said schedule was read. Ordered, that the said papers do lie upon the table; and be printed for the members of the house.—Ordered, that the order of the day, for the house to resolve itself into a committee of the whole house, to consider of so much of an act, made 43 Geo. III. as relates to the salaries of the judges of the vice-admiralty courts in the island of Malta, and in the Bermuda and Bahama islands; and the enabling his majesty to grant contingent annuities to such judges on their resignation, be now read: and the same being read; the house resolved itself into the said committee; and, after some time spent therein, the Speaker resumed the chair; and Mr. William Dickinson reported from the committee, that they had come to several resolutions, which they had directed him to report, when the house will please to receive the same. Ordered, that the report be received upon Tuesday next.—The house was moved, that an act, made 43 Geo. III. for granting to his majesty a contribution on the profits arising from property, professions, trades, and offices, might be read: and the same being read; Ordered, that leave be given to bring in a bill to repeal certain parts thereof, and to consolidate and render more effectual the provisions for collecting the duties granted by the said act.

[DECLARATION OF SIR FRANCIS BURDETT NOT TO DEFEND HIS ELECTION FOR MIDDLESEX.] The Speaker acquainted the house, that he had received a declaration, in writing, subscribed by sir Francis Burdett, baronet, who is returned a knight of the Shire to serve in this present parliament for the county of Middlesex, that he, the said sir Francis Burdett, did not intend to defend his election for the said county. And the said declaration being delivered in at the table, was read; and is as followeth, viz. "Whereas, on Wednesday the 13th day of March last, a petition, subscribed with the names of George Boulton Mainwaring, esq. therein stated to have been, at the last election for the county of Middlesex, a candidate to represent the said county in this present parliament, sir William Gibbons, baronet, sir William Curtis, baronet, Henry Thornton, esq. William Mellish, esq. and Samuel Pepys Cockerell, esq. was presented to this house, complaining of my election and return to serve in this present parliament as a knight of the Shire for the county of Middlesex; which petition this house has ordered to be taken into consideration upon Tuesday the 7th day of May instant: "And whereas, on Wednesday the 10th day of April last, this house ordered that the said petitioners should upon the 20th day of April last, by themselves or their agents, deliver to me, or my agents, lists of the persons intended by the said petitioners to be objected to who voted for me, giving in the said lists the several heads of objection, and distinguishing the same against the names of the voters excepted to, and that I should, by myself or my agents, at the same time deliver like lists on my part to the said petitioners or their agents:—"And whereas, it appears, upon the face of the sheriff's poll, taken at the said election that at the said election, 2833 persons voted for me, and 2832 for the said George Boulton Mainwaring, amounting in the whole to 5665 persons actually polled; and that 103 persons tendered their votes for me, and 99 for the said George Boulton Mainwaring, making 202 tendered votes; in the whole 5867 votes polled and tendered:—"And whereas, between the said 13th day of March last, when the said petition was presented to this house, and the 20th day of April last, on which day this house ordered the said lists to be exchanged, there was not sufficient time for me, by myself, or by my agents, to examine into the rights of 5867 voters, so as to enable me to make ut, with sufficient certainty, a list of the bjectionable voters received on the poll r the said George Boulton Mainwaring, ith the several heads of objection, in the anner ordered by this house; and there- re no such list, nor any list, has been ade out or delivered by me to the said etitioners or their agents:—" And where- s the said petitioners have delivered to e a list of the persons who voted for me bjected to by them, with the several eads of objection, amounting to 1944 ersons; but between the 20th day of pril last, the day on which, pursuant the above-mentioned order of the house, ey delivered the said list to me, and e 7th day of May instant, an interval of nly sixteen days, on which day the said etition is ordered to be taken into con- deration, there is not sufficient time to xamine into, and ascertain, the rights and tles of 1944 persons therein objected to, as to enable me to maintain and defend e same:—" Now, by virtue of the pro- isions and enactments contained in the econd section of a certain act of parlia- ent, passed in the 28th year of the eign of his present majesty, chap. 52, ntituled, " An act for the further regula- on of the trials of controverted elections, r returns of members to serve in parlia- ent;" I do inform this house, by this y declaration, in writing, subscribed by e, and delivered in at the table of this ouse, that it is not my intention to de- nd my said election or return. Witness y hand this 1st day of May 1805. Fran- is Burdett."—The house was moved, that n act, made in the 28th year of his pre- ent majesty, for the further regulation of e trials of controverted elections or re- rns of members to serve in parliament, ight be read:—And the same was read. —The house was also moved, that the rder, made upon the 10th day of April st, for taking into consideration, to- orrow, the petition of George Boulton Iainwaring, esq. sir William Gibbons, aronet, sir William Curtis, baronet, Hen- y Thornton, esq. William Mellish, esq. nd Samuel Pepys Cockerell, esq. com- laining of an undue election for the said ounty, might be read:—And the same eing read; ordered, that the said order e discharged. Ordered, that the said pe- tion be taken into consideration upon riday, the 7th day of June next, at three f the clock in the afternoon.

[PRINTERS' PETITION.] A petition of several master printers in the cities of London and Westminster, was presented to the house, and read; setting forth, "that the petitioners have for many years carried on the printing business, to the general diffusion of literature, the promotion of commerce, the facilitating of every kind of business, and to the great benefit and accommodation of the public at large; and that, from the extraordinary increase of the printing business for several years past, a great variety of modes of printing has been introduced, and various expedients have been adopted to facilitate its execution, in consequence whereof disputes have frequently arisen with the workmen; but as the masters' profits have always been in proportion to the wages paid to the journeymen, the petitioners, standing as they do between the employer and the employed, have constantly been induced to allow the utmost advanced prices they thought themselves justified in paying, but have not always been enabled to satisfy the demands of their journeymen, who in the metropolis consist of two branches, denominated compositors and pressmen; and that the compositors are paid by a standard generally reckoning upon the number of letters contained in a page, and the pressmen by the number of sheets printed; that scales for both descriptions of workmen have been formed and advanced upon in different periods from the year 1786 to Dec. 1800, when the last advance was made in consequence of the then unusually high price of bread and every necessary article of life; and that the workmen have lately become dissatisfied, and have made exorbitant demands, although the pressure of the times is by no means so great as at the period above stated, and the masters do not therefore think themselves justified in making any further advance upon the fixed prices, as they conceive that, if such demands were to be complied with, the price of elementary books for the instruction of youth, and many other useful tracts of literature, would be so enhanced as to place them out of the reach of many, and the encouragement of the export trade, so beneficial to the revenue as well as to the petitioners, and to the numerous individuals interested in the sale of books, would be nearly precluded; and that within the last month nearly all the pressmen usually employed by the petitioners have voluntarily left their work, thereby putting all public and private business nearly to a stand, and utterly preventing the possibility of completing in due time many important papers actually wanted by government, as well as the various periodical publications for the ensuing month, to the great detriment of the revenue as well as to the proprietors of such works, and the petitioners have thereby sustained much loss, and been subjected to great inconvenience in carrying on their business; and that the petitioners apprehend that the length of time required for servitude by apprenticeship is one great cause of their not being able to provide hands sufficient to execute the printing business; and that, when they have been inclined to take apprentices, the petitioners have had impediments thrown in their way by the journeymen; and that in order, as far as possible, to provide a temporary remedy for the late desertion of their workmen, the petitioners have been under the necessity of employing various descriptions of persons not entitled by law to follow the printing business, and, if they were empowered to continue the services of such persons, and to take apprentices at certain ages, and for less periods of time than seven years, they conceive that so great an evil as hath now arisen might be prevented in future, and that the extent of the evil before stated was not foreseen till after the time limited by the house for receiving private petitions had elapsed; and therefore praying, that they may have leave to present a petition for the purposes aforesaid."—Ordered, that the said petition be referred to the consideration of a committee; and that they do examine the matter thereof, and report the same, as it shall appear to them, to the house. And a committee was appointed accordingly; and they have power to send for persons, papers, and records.

[Petition from London respecting Petition of the Catholics of Ireland.] A petition of the lord mayor, aldermen, and commons, of the city of London, in common council assembled, was presented at the bar by the sheriffs; setting forth, "that the petitioners have observed, with infinite concern and disquietude, a petition lately presented to the house by the Roman Catholics of Ireland, on behalf of themselves and of others, his majesty's subjects professing the Roman catholic religion," praying a repeal of the several statutes by which they are precluded from offices of trust and power, the only remaining bulwarks now in existence for the preservation and security of the Protestant reformed religion, as finally settled at the glorious revolution of 1688; and that the petitioners conceive they would incur the imputation of criminal indifference, as the first municipal body in his majesty's dominions, were they lightly to regard an application to the legislature so formidable in its claims, and so mischievous in its tendency to the religion, laws, and liberties, which it has ever been their glory to admire, and their ambition to guard and secure in every perilous situation; and that the oaths of supremacy and allegiance are an integral part of the bill of rights proposed, as the declaration of the lords and commons of 1688, expressly states, "in order to such an establishment as that their religion, laws, and liberties, might not again be in danger of being subverted;" that the abrogation of or dispensation with those oaths to any class of his majesty's subjects, would not only weaken at present, but ultimately destroy, those solid foundations on which the wisdom and virtue of our ancestors erected our free and happy constitution, the envy and admiration of the world; and that the petitioners regard, with veneration and gratitude, those unextinguishable principles which led the legislature of that day to provide for the happiness and freedom of their posterity, by so carefully guarding the protestant succession, which has placed the house of Brunswick on the throne of the united kingdom; and they rely, under Providence, that the spirit of our forefathers will animate and strengthen the virtue and patriotism of their honourable successors, the commons of the Imperial parliament, to preserve, uninjured, the glorious fabric they have raised; and that the petitioners conceive every equality is already allotted to the Roman catholics, in common with the rest of his majesty's subjects, consistent with the safety of the church and state; but that, to grant an indiscriminate participation of power, without requiring and enforcing the oaths of supremacy and allegiance, taken by every other class of his majesty's subjects, must be productive of future unavoidable anarchy and misery; and therefore praying, that the remaining salutary restrictive statutes respecting the

Roman catholics may not be repealed." Ordered, That the said petition do lie upon the table.

[Petition from Oxfordshire respecting the Petition of the Catholics of Ireland.] A petition of the Freeholders of the county of Oxford, was presented to the house, and read; setting forth, "that the petitioners have seen, with the deepest concern, that a petition has been presented to the house by the Roman catholics of Ireland, praying that the laws by which they are at present excluded from being members of the parliament of the united kingdom of Great Britain and Ireland, and from filling the principal offices in the executive government and civil and military administration of Ireland, may be repealed; and the petitioners humbly trust, that they are not deficient in those feelings of moderation and tolerance by which an allowance is made for difference of opinion on religious subjects, and by which a protection is afforded to the exercise and practice of those different opinions; but they are at the same time persuaded, that, to grant power and authority to persons whose religious principles are hostile to the constitution of the Country, is neither required by liberality, nor consistent with the dictates of sound policy or self-preservation; and that the petitioners are convinced, by the experience of all ages, that the principles of the Roman catholic religion are incompatible with both civil and religious liberty; that they are particularly repugnant to the genius and spirit of the constitution of this united kingdom, so that it is impossible that Protestants and Roman catholics should ever agree in administering together the powers of government, and that such an attempt would be productive of the most mischievous distractions and weakness in the public councils of the kingdom; and that though the petitioning Roman catholics disclaim some of the mischievous doctrines of the church of Rome, yet they still admit that they acknowledge some of the most dangerous ones, amongst which must be reckoned the acknowledgement of the supremacy of a foreign power in matters of their religion, which must have a most important influence on their moral and political conduct; and that the petitioners cannot but remember, that the partiality of king James the Second for the Roman catholics, and the influence which he gave them in the public councils of the country, were the sources of all those grievances which imposed upon our ancestors the necessity of effecting the revolution in 1688, and of establishing those securities by which a recurrence of those grievances was guarded against and prevented; and the petitioners are persuaded, that no measure could be devised more disrespectful to that great event, or to the illustrious characters that were instrumental in effecting it, or more repugnant to the principles established by it, than the attempt to give to the Roman catholics a power in the government of this united kingdom; and that the petitioners cannot but further recollect, that, by the existing laws, no Roman catholic can wear the crown of this united kingdom; a restriction which the petitioners conceive to be founded in the soundest policy and wisdom; nor can the petitioners help thinking, that the same wisdom and policy requires their exclusion from the other branches of the legislature; and for this, amongst many other reasons, that nothing seems more incongruous to the petitioners, than that the king should be obliged to discharge his share of the government upon Protestant principles, and that his council should consist of persons devoted to a church of principles not only of a different but of a repugnant nature; and therefore praying that the laws by which Roman catholics are at present excluded from being members of the parliament of the united kingdom of Great Britain and Ireland, and from filling the principal offices in the executive government and civil and military administration of Ireland, may not be repealed."—Ordered, that the said petition do lie upon the table.

[Petition from Dublin respecting the Petition of the Roman Catholics of Ireland.] A petition of the lord mayor, sheriffs, commons, and citizens, of the city of Dublin, in common council assembled, was presented to the house, and read; setting forth, "that the petitioners have seen with the deepest regret a copy of a petition presented to the house by certain persons in the name of the Roman catholics of Ireland, containing demands of political power, which, if yielded, would be ruinous to our happy constitution in Church and state; and that the good conduct of the Irish Roman catholics, as recognized by the Irish legislature in 1779, took place under the operation of severe laws, which since 1779 have been from time to time repealed, so as to place the Roman catholics of Ireland upon a footing of political power not enjoyed by any other dissenters from the established religion in any other state; but though the Roman catholics declared, at the time of relaxing those laws, they would be fully content, yet the petitioners are sorry to observe, that that cordiality and union of sentiment which would be so desirable in Ireland has not yet taken place; and further, the petitioners cannot but observe, that the petition of the Irish Roman catholics, though professing to explain the tenets of that sect, as affecting political duties, is not signed by a single ecclesiastic of that persuasion; and that the assertion in the said petition, that Irish Roman catholics are excluded from the privileges of corporations is wholly unfounded, inasmuch as they are admissible into all guilds and corporations on taking the oaths in their own petition recited; and that many of them do at this time actually enjoy and exercise such privileges; but the petitioners observe, that the object of this assertion seems to be to induce the legislature to compel the Protestant corporations of Ireland to elect Roman catholics into their franchises, in such numbers as to overbear and destroy the Protestant interest, an attempt which was made both in England and Ireland during the short and arbitrary reign of that unfortunate and infatuated king, James the Second, and which, with other serious innovations, led to the glorious re-assertion of the constitution in church and state, under the great king William; and that the petitioners beg leave most humbly to impress upon the house, that the lower order of Roman catholics in Ireland are in possession of the same degree of civil, religious, and political liberty that is enjoyed by protestants of the same rank and station; and even the restraints complained of by the said petition affect a very inconsiderable number of Roman catholics; the petitioners therefore humbly conceive, that the inducement held out by the petition to the house, viz. "that granting the demands of the Roman catholics of Ireland would extinguish all motives to disunion and means of discontent," is utterly fallacious; and they most humbly submit, that if the demands contained in the said petition were acceded to, all the fences and securities of our excellent constitution, in church and state, established by Protestant legislators from the time of the reformation to the reign of his present majesty, would be destroyed and annihilated; and therefore praying the house will continue to preserve unimpaired our excellent constitution, and reject the demands of the Roman catholics of Ireland." Ordered, that the said petition do lie upon the table.

[Petition of the Duke of Athol.] A petition of John duke of Athol, was presented to the house, and read; setting forth "that the Isle of Man was granted in sovereignty by king Henry the Fourth to the petitioner's ancestors, and confirmed to, and made unalienable in, the petitioner's family by an act, passed in the 7th year of king James the First, and they continued proprietors thereof, with sovereign rights, until it was thought necessary by parliament, for purposes connected with the protection of the British and Irish revenues, to vest the same in his majesty, by an act passed in the 5th year of his reign; and that the petitioner is well satisfied that it was not intended in that transaction to deprive his family of the full benefit of the principle that has invariably governed the legislature in all cases in which the public safety has required that the rights and properties of individuals should be resigned or purchased for the protection of great national interests, namely, that of giving full compensation to those who are called upon to make such sacrifices; and that the compensation then given to the petitioner's family was estimated on an erroneous supposition, that the greater part of the revenue produced to him by the said island was derived from illegal sources, and from the introduction of articles which were afterwards smuggled into his majesty's dominions, to the great detriment of his majesty's revenues; and that, notwithstanding the lapse of time (a great part of which has been employed in investigating the nature of the interests of the petitioner's family in the said island, and in the improvement of the revenues derived by his majesty from the same) the petitioner is able, by original documents and evidence, to prove that the revenue fairly arising to his family from the fair duties at the rates payable in 1765, accruing on articles introduced into the island for the purposes of consumption only, independent of trade, would have produced an annual income, for which, together with the regalities that ere attached to it, the sum given could ot be deemed an adequate compensation; nd that subsequent experience, founded n the system introduced after the revestnent of the said island in his majesty, has ully confirmed that the compensation hus given was not adequate to the proerty taken from the petitioner for the ublic service, and has also proved, that f a plan, similar to that which is now purued, for regulating the supply of articles or the use of the island, had been adopted n 1765, his majesty's revenue would have een protected, and the interests of the etitioner's family in the said island would ave been secured, and their value increasd instead of diminished; and that the revenue now raised in the said island greatly exceeds what parliament had in contemplation at the time of the purchase, and the petitioner, being satisfied that it was not the intention of government at that time to procure a benefit to the public by sacrifices made by his family, without giving full compensation, rests assured that the house will not deprive him of the full benefit that his family ought to have received for the resignation of their rights for the public service; and that the petitioner has observed, that there is a bill now before the house for encouraging the trade, and for the improvement of the revenues, and for prevention of smuggling to and from the Isle of Man; and that the petitioner was not able to obtain his majesty's recommendation to the object of his petition until the day appointed by the house for receiving private petitions had elapsed; and therefore praying, that leave may be given to present a petition for his relief."—Ordered, that, in consideration of the particular circumstances set forth in the said petition, leave be given to present a petition as desired; then a petition of the said John duke of Athol being offered to be presented to the house; the chancellor of the exchequer (by his majesty's command) acquainted the house, that his majesty, having been informed of the contents of the said petition, recommends it to the consideration of the house; then the said petition was brought up, and read; containing the same allegations as the preceding petition; and praying, that provision may be made in the said bill for giving relief to the petitioner.—Ordered, that the said petition be referred to the consideration of a committee; and that they do examine the matter thereof, and report the same, as it shall appear to them, to the house; and a committee was appointed accordingly; and they have power to send for persons, papers, and records.—Ordered, that the report of the commissioners of enquiry relative to the Isle of Man, made in the year 1792; and also all accounts respecting the revenues of the said Isle, which have been presented to the house in this session of parliament, be referred to the said Committee.—Resolved, that an humble address be presented to his majesty, that he will be graciously pleased to give directions that there be laid before this house, a copy of the report of the lords committee of his majesty's most honourable privy council, dated 21st July 1804, upon the petitions of the duke of Athol to his majesty.

[West Indies.] Mr. *Barham* adverted to the alarm that prevailed on the state of our affairs in the West Indies. The right hon. gent. opposite (the Chancellor of the Exchequer) knew the dismay in which the city was on this subject. It was conceived that great mischief had been done, and that the occasion of that mischief had arisen from the neglect of government. Whether that was the case or not, he would not say, but he wished to put some questions, with a view to ascertain whether proper measures had been taken for the security of our possessions and property in that quarter, that if such measures had been taken, the knowledge of the fact might do away the alarm. If such measures had not been taken, it would be proper to enquire why they had not? He should if it were necessary, move for such papers as would give information of all the measures taken since the commencement of the war, for the security of our West India Colonies; but he would content himself in the present instance, with inquiring what information government had with respect to the sailing of the Rochfort squadron, its force, its destination, and at what time this information had been received? He should wish also for the instructions given to Admiral Cochrane, and the dispatches received from that Admiral from off Lisbon. He wished to know, whether that Admiral sailed for the West Indies, and at what time, and what force he had with him? If these questions were satisfactorily answered, any motion on the subject would be unnecessary, as the time was passed when the disclosure they led to, could be of importance to the enemy.

The *Chancellor of the Exchequer* felt himself under the necessity of objecting in the strongest manner, to the questions proposed by the hon. gent. The time was by no means passed, when the disclosure of the particulars required would be of importance to the enemy. On the contrary, it might be of the most material consequence to make these particulars known to them at present. He was certain, however, that when the proper time should come it would be evident that there was no neglect on the part of his majesty's government, and as he was sure the alarm that existed was beyond all proportion and almost altogether unfounded.

Mr. *St. John* said there were other papers to which his attention had been called, but if the disclosure of them was of any importance he would not press it. The papers he alluded to were, an account of our naval force in the West Indies in the last year; and a similar account for the ten years previous. The object was to shew, as he understood these accounts would, that the force in that quarter since the commencement of the war, was not greater than that which had been kept there during the peace. He gave notice, that he would move for these papers on the first open day.

[Property Duties Bill.] The *Chancellor of the Exchequer*, in pursuance of notice, rose to move for leave to bring in a bill to amend the Property Act. One of his objects, he said, was, to give more effect to the regulations respecting the abatements; another was, to make some new provisions relative to leases for lives. It was also proposed to have a separate provision with respect to charitable corporations. There were also some minor regulations, unnecessary to be stated, as he meant, as soon as he had introduced the bill, to move for its being printed.

Mr. *Fox* hoped that some means would be taken to render the abatements less inconvenient with regard to persons who had annuities. Those who paid such annuities, made it a general rule to deduct the 5 per cent. without considering whether the annuitant was a person who was entitled to the benefit of the abatements. Probably the right hon. gent. had this in view; if not, he wished to suggest it to him.—After a few words from Mr. Calvert, who thought the exemption should be secured to charities under 60l.; and Mr. Bastard, who thought the farmer should pay only for his actual profits, and not for his estimated profits according to the calculation of the commissioners on the rent, leave was given to bring in a bill to repeal certain provisions of the act, and to consolidate and render it more effectual.

The *Chancellor of the Exchequer* said it was his wish that the bill should be read a first and second time, and then printed, to be considered during the holidays. The new regulation would be incorporated with those of the former ones that were suffered to remain, so that there would be but one bill on the subject. The chairman reported, and the resolution was agreed to by the house.

[Smuggling Prevention Bill.] The *Chancellor of the Exchequer* moved, that the house should resolve itself into a committee on the act of 24th of his present majesty, for the prevention of smuggling. He stated, that the practice of smuggling had increased to an alarming extent, and he had thought it his duty to submit to the house a bill to remedy so dangerous an evil. The material object he had in view was, to make articles of high duty in packages of certain sizes liable to seizure, if found on board any ship in the narrow seas. The distance within which they should be prohibited should not be less than 100 leagues from the English coast. We had clearly a right to make any provisions we pleased with regard to the navigation of our own seas by our own subjects, whatever exceptions might be necessary as to neutrals. Another object of the bill referred to the hovering distance with respect to Guernsey and the other Islands in the Channel. It was notorious that smuggling from thence had been carried on to an enormous extent. The measure he meant to propose, in order to obviate it in future, was to prohibit packages below a certain size from being on board ships hovering off those places. Another plan was, that where ships came in with smuggled articles, the persons on board should be liable to some penalty, unless they were transferred with their own consent to the navy. He also wished to have it made as penal to resist naval officers, as it at present was to resist excise officers. Another object of the bill was to prevent spirits being sold below proof at the diffe-

nt ports where smuggled articles were
sually disposed of. With this view he
ould empower the Lords of the Treasury
direct smuggled goods not to be sold
the ports, but to be consigned to their
rder, and disposed of under their con-
ol. He concluded by moving, " that the
hairman should be directed to move for
ave to bring in a bill to prevent the
actice of smuggling."—The report was
ceived, and leave was given to bring in
e bill.

[State of Affairs in India.] Mr.
rancis rose, and in a masterly and luminous
eech took an extensive view of our af-
irs in India. It would not, he set out by
bserving, be denied, that the state of our
mense dominion in the East, was a sub-
ct of the highest importance that could
submitted to the consideration of parlia-
ent. In proportion, however, as this em-
re was extended, it seemed to excite less
the attention either of the house or the
blic. It seemed as if its very greatness
d rendered it superior to the capacity of
e house fully to understand or beneficially
regulate. If this really was the case, it
as only an additional proof of the im-
licy of that all-grasping system which
d too long guided our councils in India,
ly an additional confirmation that such
system must continue to produce conse-
ences of the most disastrous nature.
buses must, from the very nature of
ings, spring out of this excessive lust for
wer. Abuses must arise from the re-
oteness of our possessions, so little liable
investigation or punishment. But it
as fit that the house should bear in mind,
at evils which originated in India would
t confine themselves to that country.
ven at this moment, some of those evils
ere already felt, and many more would
llow in their track. India, under its pre-
nt government, afforded us no revenue.
was on the contrary there that our re-
urces were consumed in ruinous con-
ests, that the flower of our troops were
t off, fighting unnecessary battles. India,
der a wise system of policy, might be at
ce a source of revenue and a fund of the
ost beneficial commerce. Before these
ects took place, however, the present
stem of apathy, with regard to our In-
an affairs, must be abandoned for a sys-
m of jealousy, of justice, and of mode-
tion. From the conduct of parliament
w, with regard to India, it appeared as
her authority to legislate for that part of the empire, were absolutely abdicated. From a deep conviction that this system could not long be persisted in, he had risen to call the attention of the house to the subject, as he had felt it his duty to do on many former occasions. Since he had last submitted the consideration of our affairs in India generally to parliament, the constitution of the house had been so much changed, as well as the individuals who composed it, that it became necessary for him to take a short view of our Indian policy, from the time of our first settling there down to the present day, describing briefly the principles which parliament had at different periods laid down for the regulation of our government. In the first place, he had to state the reasons which induced him so often to take up this office; this thankless office, as he had often experienced it. It was in 1773 that his first connection with India originated, when he was sent out by the government of that period to be a member of the supreme council. During a residence of six years in India, his conduct had ever received the strongest marks of approbation; and on his return in 1781 it had undergone the most rigid examination. A committee of the house had examined every act and every opinion which he had delivered while a member of the supreme council; and he was proud in the recollection that the report of that committee was as favourable as even his most sanguine wishes could have desired. It was a report of the most unqualified approbation. Other committees had made similar reports, and after all the inquiry which did take place, he had a right to say, that though not formally tried, he was as much on his trial as even Mr. Hastings was, when he was formally arraigned before the highest tribunal in this country. To himself, who had received so little solid advantage from the attention he had bestowed on Indian affairs, it was a consolation to know, that his conduct, and the policy which he had ever recommended, had received the most flattering testimonies.—Having said so much respecting the origin of his connection with India, he proceeded to the direct consideration of the question, in doing which he assured gentlemen that they had no occasion to be alarmed by any apprehension of long, dry details. All that he had in contemplation was a bird's-eye view of the business, for that would be fully sufficient for the object he had proposed on the present oc-

casion. There was a great deal of matter in the papers before the house, to which he should not feel it necessary to allude, nor did he now mean to say any thing of those military operations, the details of which were so numerous and intricate. With regard to the origin of our connection with India, it was hardly necessary for him to remind the house, that it was originally purely commercial, but it was marked on the part of the native princes with every appearance of good understanding, and even kindness. They not only afforded us every facility for carrying on an advantageous trade, but actually conferred on us immunities and exemptions which many of their own subjects did not enjoy. It was, in a mercantile point of view, wise in the native princes to encourage trade with foreign nations. But while their commercial eye was open, their political eye was closed. They did not act on those principles which had so effectually excluded European nations from the dominion of China. It was not till 1765, that our situation in India sustained an important change. Our first connection with Bengal, was in the character of adventurers. After that period we began to assume the character of sovereigns. But what was then the language of lord Clive, a man to whom we owe the erection of our immense eastern dominion? His language was, "my resolution and my hopes will "always be to confine our conquests and "our possessions to Bengal, Bahar, and "Orixa. To go farther is, in my opinion, "a scheme so extravagantly ambitious and "absurd, that no governor and council in "their senses can ever adopt it, unless "the whole system of the company's interest be first entirely new modelled."—Such was the language of one whose knowledge was unquestioned, and whose policy laid the only sure foundation of our Indian possessions. He himself knew that the government of that day fully adopted these principles of limited dominion. When in 1773 he went with the other commissioners to India, the government gave the most positive instructions to see that the same principles were followed up, and the commands of the directors were absolute on the subject. These were principles laid down while a French force had possession of a considerable part of India, and when the idea of undertaking a war for conquest might have appeared some excuse for deviating in a particular case from the general system of limitation. But it was not on these declarations that he found himself obliged to rest his opinion. In 1782, parliament unanimously resolved, that the British Empire should not be extended in India, and that no war should be undertaken from a lust of conquest. The same resolution was followed up by an express act of the legislature in 1784; and at the renewal of the charter in 1793, the continuance of the same policy was provided for in the most explicit terms. This general principle was therefore so clearly laid down, that it was absolutely impossible to attempt to controvert it. He was aware that a distinction was attempted to be taken betwixt wars of oppression, which were never to be undertaken, and wars which were founded on justice and necessity. It was not very easy to see on what grounds such a plea was brought forward. Of the origin or justice of many of the wars in India, the house and the public were frequently, or rather always, without the means of forming a proper judgment. We had never any evidence but the testimony of one of the Belligerent powers against the other, and therefore such testimony was to be received with diffidence. We knew only in general that wars had been begun, that great acquisitions were made, and we gave ourselves little trouble to ascertain how far they arose, either out of justice or necessity. The native princes of India had no ambassadors to plead their cause. They saw their country overrun, their wealth destroyed, and then they had only the satisfaction of being told that they had been actuated by lawless ambition. Many members might not, perhaps, be aware that there formerly existed in the government of Bengal a commission of Persian correspondence, through which our relations with the native princes were conducted. In looking, however, to the vast body of papers on the table, he had not been able, after the most diligent inquiry, to find above three or four short documents, containing no intelligence of the slightest importance. This correspondence was now, therefore, either altogether abolished, or had for a considerable time been suspended. Thus were the house and the public without means of judging of the origin of contests in India. Our commissioners might be honest persons, and their representations might be frequently founded in fairness and truth. But we were forced to believe them, without knowing what was the nature of the remonstrances of the native princes, or what sacrifices they had made for the preservation of peace. He desired the house to consider what was the extent of our conquests in India. The hon. member proceeded to read the following list of native princes, who have either been extirpated, or whose states have sunk into ours: Nabob of Bengal, rajah of Benares, nabob of Oude, Rohillas, Ferokabad, nabob of the Carnatic, Tippoo Sultan and Mysore, now under an infant rajah.—He then stated the following to be the list of those princes who survive under our government, or are suffered to remain as feeble tributaries.—Rajahs of Tanjore, Tinnivelli, Travancore; subadar of the Decan by a susidiary treaty made in 1798; Gwicowar and Guzzerat, Bundelcund, the Mogul, in short the whole peninsula from Delhi to Cape Cormorin, except the Mahratta country.—But with all this extent of empire, with all that variety of dominion, the thirst of conquest remained unbounded, and the positive law of parliament for the limitation of our territories has been again violated, by a war with the Mahratta powers. The pretext for the war struck him as absurd, and indefensible in the highest degree. There was not the slightest ground for supposing that the Mahrattas entertained any views hostile to our power. It was true, that they were agitated by intestine feuds, but he defied any member, from the papers on the table, to shew that their proceedings could inspire any one with subject for jealousy or alarm. He knew it was common to represent the native princes in the most odious light, as absolute monsters of depravity; but from the language of those employed under the government of lord Wellesley, it was easy to see in what light these descriptions should be considered. To secure the tranquillity of our possessions, it was necessary that a treaty with one of the Mahratta chiefs should be concluded, and the Peshwa was selected for that purpose. Now what is the character of this prince, with whom it is necessary to stand on good terms, to promote our own security? Colonel Palmer says, "I am to have my last private audience of the Peshwa this evening, when I will make a final effort to convince his highness of the lasting security, power, and prosperity, which he will derive from embracing your lordship's proposals; though I apprehend that nothing short of imminent and certain " destruction will induce him to make " concessions which militate against his " deep-rooted jealousy and prejudices, and " of which he thinks he has already made " extraordinary sacrifices." Colonel Close says, " every day's experience tends to " strengthen the impression, that, from " the first, your lordship's amicable and " liberal views in relation to this state, " have not only been discordant with the natural disposition of the Peshwa, but totally adverse to that selfish and wicked policy, which, in a certain degree, he seems " to have realized.—In the midst of personal peril and the lowest debasement, he " viewed the admission of permanent support from your lordship with the deepest " aversion.—The dark complexion of the " Peshwa's disposition and character, the " disgustful history of his domestic and " public conduct, his atrocious machinations, &c.—His faithless and sordid " policy, his hatred and jealousy of the " British name.—The present Peshwa has, " ever since the year 1798, acted more " like an enemy, than a friend of the " company's government."—" Yet, after " all, he appears to be a young man, " of whom a chief of his own family " says that he had retired from Poona, " owing to the thoughtlessness of youth." —Thus it is that a native prince is loaded with abuse by the government of India that he is called on to give up a great proportion of his dominions, and all this for the purpose of securing tranquil possession of his throne. It was not a little singular too, that the Peshwa is always represented as a Sovereign Prince, that he was the head of the Mahrattas, and that the other chiefs were only his servants. This representation was directly contrary to fact. The Peshwa was nothing more than the Prime Minister among the Mahratta Confederacy. He was only *primus inter pares*, and had no right to conclude that treaty against which it was quite clear he entertained a most powerful, and, in his situation, natural aversion.—The hon. member directed the attention of the house to the manner in which Scindia was spoken of by the officers in the Indian Government. It is in terms such as these that a high spirited Prince was vilified and traduced, though it did not appear that he had ever entertained any views hostile to our interests. " The perfidy and violence of that unprincipled chieftain."—" The corrupt " and profligate councils of that weak, "arrogant, and faithless chief.—His violence, rapacity, and lawless ambition, have been the main causes of the present war with the confederate Mahratta Chiefs.—An inexperienced youth, who as yet could form no correct judgment of his own true interests."—"Indeed, Scindia appears to be an inexperienced youth, and is, I understand, not at all conversant in business." He left the house to make their own comments on such apparent inconsistency. But he desired to call the attention of gentlemen to the species of treaty offered for the acceptance of Scindia, thus so violently denounced as the great foe to the tranquillity of India. The proposal was transmitted to Scindia in 1802, from the seat of government at Bengal: "1st. To subsidize a considerable British force to be stationed within his dominions *in perpetuity:* to cede in perpetual sovereignty to the company an extent of territory, the net produce of which shall be adequate to the charges of that force; to admit the arbitration of the British government in all disputes and differences between Scindia and his highness the Nizam, and eventually between Scindia and the other powers of Hindostan." "To obtain for the company the cession of the part of the Duab which is in Scindia's possession, and also that the fortresses of Agra and Delhi should be ceded to the company."—"Whatever proposals you may offer to Scindia, under the foregoing instructions, should be stated to him in the light of *a concession* on the part of the British government, tending to the security of his interests and the stability of his dominion; not as directed to objects in any degree necessary to the security of the British empire in India." "Col. Collins instructed to state to Scindia the manifest advantages to the stability of his government, and to the prosperity of his affairs, which the proposed connection is calculated to secure."—He was aware that the great argument against the Mahrattas was their harbouring French officers among them, with views evidently hostile to our superiority. It was even asserted that there was an army of 14,000 French troops, under Capt. Perron. Of the existence of such a body of troops there was not a single tittle of evidence before the house. If there was so large a body under his command, it was quite clear they were not French troops. Indeed, after the minutest investigation, he found that there were not in the whole Mahratta army more than 12 French officers; it was, however, further urged, that the French officers would introduce European tactics among the Mahratta troops. This, so far from striking his mind as an evil, was a thing much to be desired, if war was to be kept up with the Mahratta states. It was by abandoning their own irregular mode of fighting that they suffered so severely, and were so effectually repulsed. Had they persevered in the irregular warfare common to their country, they would have exhibited an appearance far more formidable, and displayed a resistance far more dreadful. The history of all ages proved the truth of this assertion. The Parthians often repulsed the disciplined legions of Rome, not indeed in regular combat, but by surrounding them, by cutting off their supplies of provisions, by taking all those advantages peculiar to a barbarous enemy. His view of the fighting of the Mahrattas had been well understood by military men. Mr. Hastings, one whose name he never could mention except when he had an opportunity of mentioning it with approbation, was fully of this opinion, and the same gentleman had expressed himself in very strong terms on the policy of limiting our dominions. As to any wish of Scindia to admit French troops into his dominions, he denied its existence. It was notorious that Scindia abhorred the idea of foreign troops in any part of his states. Perron was equally hateful and dreadful to him. It was a fact well known, that the knowledge of this hatred was one great inducement with Perron, to capitulate with the few troops under his command.—In no view of the case, did he think, then, that the justice or necessity of the war had been established in a satisfactory manner. The reluctance shewn against the proud and insolent terms of our treaty was natural. It would have been astonishing if it had not existed. The hon. gent. desired members to put the matter to their own feelings. Was it not natural for a high-spirited Chief to spurn at terms so abject? To be told that the capital of the Mahratta Empire was to be in the hands of a British garrison, and to be supported by the native princes, was surely the extremest degradation. It was unquestionably adding injury to insult. He begged leave to put a parallel case, and ask then, what would be gentleman's ideas of the attempt, if Bonaparté were to propose to the independent Emperor of Austria to fill Vienna with a French garrison, and to have this garrison supported out of the Emperor's coffers? What would be thought of such a monstrous proposition? Would it not be treated with contempt and indignation? Would the king of Prussia, the elector of Saxony, or any other member of the Germanic Body, see it even hinted at with indifference? Should we not expect to see them in arms to resist it, if attempted by force, or should we not equally detest and despise their cowardice, if they allowed it to pass with impunity? Human nature was the same in all countries on some grand subjects of reasoning and feeling. If we should commend European Sovereigns resenting insolence and repelling oppression, should we not allow something to the feelings of a Mahratta Chief, indignant at seeing the capital of his empire in the hands of a foreign garrison?—He called on gentlemen to think and feel, and then he thought there could be little doubt on the result of their inquiries. He was himself not satisfied that the war against Scindia was just or necessary. He found nothing in the papers on the table to support such an opinion. The hon. member touched on the mode in which our wars were conducted in India, allowing them even to be just or necessary. He strongly condemned putting British troops so much in the brunt of every engagement. If a town was to be scaled, if a pass was to be stormed, if any service of difficulty was to be performed, Europeans were always employed. This waste of men who were so invaluable, was altogether unaccountable. It should be recollected that Europeans were equally our protection against the hostility of the natives, the only security against the treachery of our Sepoys, whom the Mahratta chiefs might succeed in detaching from their allegiance. This last was a critical and interesting view of the subject, and was a most powerful inducement no longer to persist in extending our empire by useless and insecure conquests. If our army were scattered over an immense tract of country; if they were to stretch to Agra, to Delhi and to Poonah, it was impossible to say to what disasters they might be exposed. He said, with great emphasis, we first had commerce, commerce produced factories, factories produced garrisons, garrisons produced armies, armies produced conquests, and conquests had brought us into our present situation. He hoped all that reason could allow him from the noble lord lately appointed to the government of India. Whatever could be effected by prudence, justice and moderation, would distinguish his administration. The hon. gent. after complimenting the talents of lord Wellesley, concluded with the following motion: That this house adheres to the principle established by its unanimous resolution of the 28th of May, 1782, and recognised and adopted by the legislature in two several acts of parliament of the 24th and 33d year of his majesty's reign—namely, "that to pursue schemes of conquest and extension of dominion in India, are measures repugnant to the wish, the honour, and the policy of this nation." Upon the question being put from the chair,

Lord *Castlereagh* complimented the hon. gent. on the able speech which he had made, and observed, that there was no occasion for his making any apology for thus interfering with the affairs of India. The situation which he once held in the Indian govt. and the information on these points, which he must by these means have acquired, rendered him well qualified to discuss the affairs of India. But though the hon. gent. had certainly turned his attention a good deal to the finances of India, he had seldom or never called the attention of the house to the other points which he had now touched upon. The hon. gent. had made quotations from different parts of the papers, than which nothing could be more unfair, because they carried quite a different meaning when separated from the context. What might be the hon. gent.'s object he did not know. It was impossible for him to enter minutely into the particular cases, because the subject was so very general. He had formerly asked information from the hon. gent. respecting the chief point to which his attention was to be directed, and his view in bringing forward his motion, but was refused any information on that head. He was persuaded, however, that the hon. gent. did not mean to vilify the councils of his country, nor to impeach the character of any individual who was absent, and could not defend himself. Having said this much by way of preface, he would endeavour to follow the hon. gent. through the outlines of his speech. With respect to the hon. gent.'s first proposition, that of his calling the attention of the house to the act of parliament upon this subject; he conceived the hon. gent. had put a construction upon the act which he could by no means sustain upon fair argument. That any extension of the British empire in India was a source of policy which, under no circumstances whatever, should be resorted to, was a doctrine so futile and absurd, and so wholly unlike the wisdom of the British constitution, that it could not stand for one moment. As well might it be said, that a man was to be chained to his post, without the power of defence or attack, while surrounded by enemies. There was another principle equally absurd, and that was, 'that the British govt. in India were precluded from forming any connections with the princes of the east, and that they were to pay the expences of a military force in land, and not in money. This clause in the act most certainly never meant to recognise such a power; it was the intention of the govt. merely to guard against the united efforts of the Indian powers. His lordship admitted, that when the govt. should have travelled out of the fair line of policy, then there would be a fair ground of charge against them; but in the present case, no charge whatever was establised against the councils, either at home or abroad. In enumerating the several princes who had been brought under the British dominion, and whose families were extinct, the hon. gent. went into prima facie evidence of their dissolution; but before he came to censure the govt.; before he came to call down the condemnation of the public upon them, he should have brought his charge on some particular grounds, on some specific instances of oppression, and have taken the sense of parliament upon them. Parliament could then come to a conclusion, either one way or the other. With respect to the commercial interests being turned into territorial interests, that was a measure necessarily resorted to; it had uniformly been the policy of France to goad England in that quarter; all her efforts were directed against it, and it was her machinations which drove us to those measures; if we could have kept in existence our commercial interests, without territorial possessions, it would have been more politic; but in order to secure the one we were obliged to obtain the other. The hon. gent.'s proposition, therefore, upon this head, did not admit of any qualification. As to the wars in the Mysore country, particularly the two last wars, if the hon. gent. would have called in question the councils upon them, he would have seen that some, at least, of the transactions on that subject, had never the finger of calumny pointed at them. This alone, his lordship thought, would go a great length in doing away the charges made against them. The restoration of the Hindoo Rajah and his family, was a strong proof of the moderation, lenity, and liberality of govt. and a transaction which, in itself, dispelled much of the calumny which had been thrown upon the councils of that country. The hon. gent. in his indictment had made general charges: to this indictment he put in his plea, which he contended was a good bar to the action. The next point his lordship came to, was with respect to the territories of the Oude and the Carnatic, as to the first of which there were no papers upon the table, by which the house could be guided, nor could it be charged that the transactions relative to those countries were an acquisition of territory. In the year 1765, both those became bound within the power of the British empire, they were always subordinate to, dependent on, and directed by the British govt. and council. Our connection with the Nizam, the hon. gent. considered as a measure of reproach: that he should charge this, his lordship owned he was not at all surprized, for he did not mean to say but that the native powers were much distressed by the connection; they were at war with other states, and were obliged to resort to a foreign force for assistance; but that the connection with the British govt. was so horrible, so detestable to the native princes, was an assertion wholly fallacious. The charge also of the company's troops, consisting of 10,000 men, being in the territory of the Nizam, was another argument equally futile, for it was to be remembered that they were in possession of a long tract on the south side of that territory. The question then came to the nature of the connection of the British govt. with the Mahrattas: this his lordship considered the most important consideration of the whole, and a question altogether of great difficulty; with respect to the transaction, and such ideas as may arise from the natural doubts upon this subject. There were two questions upon iis head: first, what description of peo- le were the Mahrattas, and what were ie principles of policy by which the Bri- sh councils were to be guided? Looking o the general character of the people, ieir customs, their wars, their dispositions, nd habits, it was certainly much better to eep clear of them entirely. They were rmerly composed of a great number of nall states, which were frequently at va- ance with each other. If they had kept ieir old system of warfare; if they had ontinued in their ancient manners, without taking in the aid of foreign councils. n all sound policy it would have been our est way to have kept clear of them; but fter the treaty of Bassein, a great number f French officers were introduced into heir army. The policy of the Mahratta onnection then stood upon new grounds. cindia and Holkar were at variance, ieir armies became regular: suppose hen one power got the better of the other, oth then united and became organised nder one head; his lordship asked, vould not this coalition be very formidable o the military power of Great Britain in ndia? It was to this alteration in the ailitary system, introduced and directed y French officers, that we were to look or changing the policy of the British ouncils, respecting a connection with the Iahrattas. The government of the My- ore consisted of a considerable military orce, which was also aided and directed y French officers; the object, therefore, f marquis Wellesley was to augment and trengthen the Peshwa; and thus, by in- igorating him, resist the force, and drive he French from that territory. From the all of Tippoo, the policy of the British overnment became quite different from vhat it had been before. The council, rom that time, was to turn its mind to- vards the extirpation of the French from hat quarter. We were then to consider vhat was the object, what was the conduct f the French at that period, and what was o direct marquis Wellesley in his delibe- ations. We all knew, that in the year 798 the French made a footing in Egypt; ve were well aware their main object was o aim a deadly blow at our Eastern pos- essions: their close alliance with Tippoo, nd all the other concomitant circumstan- es, sufficiently explained their intentions, nd we were all satisfied India was not ut of their mind when they undertook hat expedition. Marquis Wellesley's mind was strongly impressed with this idea, and with the consequences which should follow. With respect to France, he did not consider the connection of France with the Mahrattas at all done away; on the contrary, it was growing daily; and, from the complicated system of the Mahratta policy, it was impossible for any man to say how soon that system might be put in practice. If the councils of the Mahrattas had remained as formerly, and not put on the councils and assistance of French officers, it might have been otherwise. The French general Perron had organised such a power, that Scindia himself did not venture to oppose him, but gave up the contest. Thirty or 40,000 under the Nizam, were in a state of perfect discipline. Was it to be questioned, whether, after the peace, the French had sent emissaries into that country, and if they were allowed to establish a connection with the Mahratta people, it did not require much political foresight to discover what might follow: having stated thus much, his lordship observed, that the whole change of the complexion of the Mahratta empire had made this a new subject. The moment marquis Wellesley had found out the triple connection formed by marquis Cornwallis, he enlarged the principles of his actions, and endeavoured to promote the interest of the British govt. with the Rajah; he conceived the necessity of that alliance, and the impression upon his mind was, that if he should persuade the native princes, that it was safer to rely on the connection with the British empire, than join any other power, or war among themselves; by this means he might lead to the exclusion of the French interest, and the policy or connection of their situation might induce them to embrace such a proposal. His lordship agreed with the hon. gent. that a great question of expediency arose out of those circumstances; but, from the details then upon the table, it clearly was not a proposition which parliament could then decide upon. The conduct of marquis Wellesley upon this matter would hand down his name to posterity as one of the most wise and vigorous officers that ever conducted the councils of a great nation. The governor general had not shewn a bigoted adherence to the system of establishing a connection with the Mahrattas to extirpate the French, but he modified it; and his lordship contended, that the general charge made against that system in the Mahratta empire by the hon. gent. did not cast any reflection upon the noble Marquis's conduct. In the Mahratta empire there was a population of 36 millions under one head; it was not necessary therefore for the governor general to wait to conclude a treaty of the same nature of that of Hydrabad, with the Peshwa until a communication was had with the govt. at home. In the instructions to marquis Wellesley, his lordship was directed not to pursue that policy to a war; and as the Peshwa was driven from his country, that was the most likely moment to conclude a general peace in India. The hon. gent. had mentioned the treaty of Bassein, as an act of aggression; but he did not shew on what grounds it was so. The native princes, so far from remonstrating against it, fully acquiesced in the terms, and as far as general intentions would go, marquis Wellesley took up the principle not to force that treaty upon the power of that prince; had marquis Wellesley acted in any other manner, he would have abandoned the interest of his employers: and, throughout the whole, there was a sincere disposition upon his part to accomplish his purpose without war, and he managed it in such a way as to give the benefit of the Mahratta connection to this country: this view he had taken of it in all his pacific negociations.—The more extended question of arrangement therefore was, whether we were involved in war upon just and fair grounds? That the war was successful, more than even the councils of this country would allow, was certain. His lordship trusted, that the hon. gent. would not expect him to go more into the question: under the present existing circumstances, his lordship thought he should not be justifiable in doing so; it, however, appeared clearly, that the subject matter in question could be traced to the general policy of France, to shake our power in India. His lordship observed, that he had omitted to make one observation respecting the war with Holkar in its proper place: the hon. gent. he said, had not justified his impeachment of that war, it was not the materials furnished, but the hostile intentions of Holkar which produced it; and there was nothing whatever censurable in the governor general's conduct; and there was reason to anticipate the supposition that the war was commenced on just grounds. His lordship admitted the governor-general should have transmitted documents upon this subject, in order to see the grounds and origin of the commencement of hostilities, but this was easily accounted for from the short period which has since elapsed. In conclusion, his lordship said, that the hon. gent. had not made any case which could induce parliament to come to any decision upon the subject. If he had stated the particular point on which he meant to rely; if he had brought forward his propositions before the house one by one, and not in an accumulated mass of general matter and general censure, the house would then have been able to come to some certain decision upon the question: but, he conceived the hon. gent. had discharged himself but ill in this business; he considered it a mere personal motion, for the satisfaction of the hon. gent.'s own mind, and could only be brought forward for the purpose of general censure. For these reasons he should think himself justified in moving "that the other orders of the day be now read.

Earl *Temple* admitted, that there had been a line of policy marked out for India by act of Parliament which ought to be adhered to. If it had not been adhered to, he would certainly ageee with the motion of his hon. friend. But in his opinion the principle had never been lost sight of. If his hon. friend had attacked the character of the governor-general, he would have strongly objected to that part of his motion particularly, but he had disclaimed any thing of that sort. His hon. friend had begun with our establishment in India, its origin, and had made use of a singular phrase which he had taken down. He said that our commerce produced factories, that factories produced armies, that armies had produced conquests, that conquests had produced extended dominion, and that this brought us to our present situation. His lordship observed, that it did not by any means follow, that all this originated in a thirst of power on our part.—There was another point in his hon. friend's speech, which he must also notice, that was the idea of a knowledge of European tactics, being dangerous to the natives of India; he, on the contrary, was of opinion that a small number of Frenchmen scattered over different parts of the continent of India, would be more effectually serviceable to the natives by instructing them, and more dangerous to us than a much greater force ting in a body as a military force against . As to the conduct of his noble friend io was now most probably on his way me, in concluding the Treaty at Poonah, thought that it must be clear that it y blame can be attached to this tranction, it must attach to the court of rectors, who gave him authority so to . Upon the whole he felt himself bound support the amendment of the noble lord.

Dr. *Laurence* thought the statements of s hon. friend were worthy of the strictest ention, and most serious consideration at the house could possibly give it, being question which involved no less a numr than thirty-two millions of persons: number which was more than three nes the amount of the population of ngland. It surprised him very much to ar the noble lord opposite him (Castleagh) argue in the manner he had done; surprised him much to hear him state at his hon. friend had no right to look ck to points which were more remote, d took place at a more distant period of ne, merely because, as the noble lord ated, he had not come forward at every ermediate step, and moved for those pers, and that information, which might en have existed. He denied that this is any argument against his coming forard now, with this very necesssary mon; but, even supposing it was, his hon. end had complied with it in every reect, for, to his knowledge, no one innce had passed without his calling for pers, and doing every thing that could in y way be thought necessary. The hon. d learned gent. remarked, with some erity, on the term "connection," as it d been applied to the mode which we pured towards the Mahrattas, a nation conning 30,000,000 of people. The quesn, at the best, was on a point of very bious policy. He praised the conduct marquis Cornwallis when in India before, d trusted his return there would be atnded with similar advantages. The ble lord seemed to misunderstand every ng advanced by his hon. friend, from ginning to end. What harm could ret from re-asserting those principles ich were already to be found in the olutions of the house, and in the staes? He condemned the modes praced by the company for the acquirement territory in India. It was once given Mr. Hastings's opinion, that the possesn of the whole of Bengal alone might ruin the company.' Formerly, there were a number of petty states between Bengal and the Mahrattas, which it was our policy to support. Now, we had swallowed up, one after another, all those Mohammedan powers. If the noble lord had chosen to go into the justice of the wars in which we had so frequently engaged in that country, he had no objection. The causes of many of them were of a very doubtful complexion. The nabob of Arcot was punished for the offences of his grandmother; Cossim Ali Cawn for cultivating his country too well; and others were set aside on different pretences: the Nizam we had, however, left, under what was called our protection. We made him our ally to get more territory from him, to maintain an army which we sent him, and which army was, in fact, to hold his country. He should not have said so much on this point, had not the noble lord spoken of the justice of our India wars in such a tone of triumph. He saw nothing to stop this principle of aggrandisement; he saw no bounds but the wall of China, or the Russian empire, to our daily acquisitions of territory while this system continued. We were on the Mahratta borders. If they are disturbed, we are distressed. If they settled their quarrels, we were afraid they would have too much power. What was the true meaning of that word connection which the noble lord used? It was not connection, but dependence on our military power in India. The natural consequence would be, speedily to take the whole country. After the conquest of the Mysore, the Peishwa refused to sign the treaty of alliance we had proposed to him; but we took advantage of his misfortunes and flight, to force him to sign it, and he had not, after all, ever requested us to act upon it. We had adopted a kind of geographical morality, and a sort of policy of latitude and longitude for our own purposes in India, different from what we conceived of those things in Europe. Gentlemen could hear of the most terrible calamities in India without emotion, who, for a little finger ache at home, would dissolve in sentimental sorrow. The hon. and learned gent. concluded, by saying, that he should vote for the original motion, because it was meant with a view to the re-establishment of the principle sanctioned by parliament and the legislature, and not with a view to the crimination of any individual.

Mr. *Grant* observed, that the noble lord who moved the previous question, had stated that the Marquis Wellesley's conduct in India had been approved of by the government of this country, and by the directors of the East India company, as had been transmitted to him by a committee in the regular course of official communication, that was an incorrectness founded upon a misunderstanding of one fact, namely, that the directors had approved of the conduct of the noble Marquis; the fact was, that that question was never before the directors at all: this observation he thought was called from him after what the noble lord had said upon that subject to-night; that noble lord had bestowed great attention to the affairs, and displayed much ability in the conduct of the business of India in this country; but notwithstanding what that noble lord had said, he owned he was unable to view what had of late years passed in India, in any other light than that of an infraction of the principle laid down at the time when the resolution was passed, by which we renounced conquest in India, for the purpose of an extension of territory. He was led to adopt this opinion from experience of the effect of the former Mahratta war, an event which had laid the foundation of all the debt we had incurred there. The diffusion of ourselves to so unlimited an extent, would be most injurious to us, for by it we should lose ourselves. With regard to the French power in India, his opinion had always been that it was much exaggerated by statements in this country, and that a few French officers there were not dangerous in the way they were supposed to influence the natives a thousand miles from the coast. He thought the principle laid, that we were not to pursue conquest for the sake of extension of territory, was the true policy of this country; and that so much had been done to render it doubtful whether we had not abandoned that principle, it became necessary now to give the world assurance, that such is to be our guide, and this he wished to be distinctly avowed. He thought that we had now an extent of territory in India; that we should never be able to preserve it; for the governments of India were so loose, that almost any adventurer would find followers when he wished to kindle the flames of war, and therefore there was a necessity for recurring to the principle of our former resolution, since the expences of the war had been already productive of great evils to this country.

Mr. *Huddlestone* said, he did not wis
that this subject should be too much d
tailed in parliament, but as he had ha
long experience in India, he thought it h
duty to put the house in possession of h
sentiments upon this most important que
tion. His hon. friend who had just spoke
had alluded to what past with reference
the court of directors, and the dispatc
of the marquis of Wellesley of the 21
Dec. on the subject of the treaty of Ba
sein, by which it appeared that the nob
marquis expressed himself as having r
ceived the approbation of his majesty
government and court of directors, b
the truth of the matter was, that t
terms of that treaty were never broug
before the court of directors, neither w
there among them any discussion co
cerning it, desired or admitted; and wi
regard to the idea of departing from a sy
tem of policy formerly laid down, or
their having expressed approbation
what was done in India, or that any que
tion was discussed by them on the su
ject of war or peace in India, or of t
extent of the territories of the Briti
empire. The court of directors, a
though in the opinion of the public th
were supposed to have a great deal
power, had in reality no more than a
member of that house in these matte
and here he was sure that the cando
of the house would permit him to sta
how the matter stood with regard to t
directors. It had been said by those
whose assertions, from their weight in t
world, there was consequence, on the subje
of the merit of the noble marquis respe
ing our successes, which were stated
have been great, and that the consequenc
of them would have been still greater
ome obstacles had not been thrown in I
way, and lest there might be any mista
upon that subject, to whom it was mea
to apply that observation, it was said,
did not come from any of his majest
ministers; it was therefore meant to ap
to the directors, of whom it was said th
were men of very good intentions, but n
of such enlargement of mind as to be a
to understand the plan of the marquis
Wellesley, or the great benefits they we
calculated to produce. Now whate
consequence the directors might ha
they had no share in the managemen
sending any thing to India on the subj
of the political system there, and the

re that they could not send any thing to
ıdia, which did not previously obtain the
nction of the board of control, of which
veral members of his majesty's cabinet
e members, and that consequently nothing
uld be thrown in the way of the noble
arquis, which had not previously obtained
e sanction of his majesty's ministers.
iere was a circumstance of great impor-
nce with regard to the Mahratta people;
d another point upon which he should
uch, of which, he believed, the next ge-
ration, when it came to peruse the la-
ur of the historian, would judge more
rrectly than the present; and they had
en described as having been decided by
e court of directors, when, in truth, the
rectors were so far from bearing any
are in them, that they had never been al-
wed even to discuss them. He confessed
could not comprehend the plans of the
ble marquis. They appeared to him to
accompanied with present difficulties, to
em with mischief, to set existence on the
st, to be unwise in policy, to be founded
schemes and projects, wherein failure
uld be destructive, and even success
inous; whereby nothing was to be gained
t the expence of blood and treasure, and
rhaps a permanent hatred inspired into
inhabitants. These were his sentiments,
d were not less so last year, when the
counts had been received of the brilliant
ccesses, than at present on receipt of the
count of a disaster, which had opened
eyes of many, and would, he feared,
en the eyes of many more. He admit-
the energy of the great mind of the
ble marquis, and that he exerted his
vers most successfully for this country,
the destruction of that infatuated tyrant
poo Sultan. That was a great service
dered to the East India company and
is country; but it was easy to see that
advantage would be followed by the
erse of it, unless followed by modera-
, in that he thought the noble marquis
failed; it appeared to him that the
great success the noble marquis had
with, which was certainly, in some re-
ts, unexpected, had let him to depart
the system of his predecessor in
government. He appeared to have
le the whole of India dependent on the
ish government. He had made them
eceive British garrisons in their cities
to grant subsidies for that British pro-
on, and afterwards to requite it with
territorial revenue to us—in all this he saw the seeds of a revolt the instant an opportunity offered. We had once sided with Scindia against Holkar, and afterwards with Holkar against Scindia, by which we had procured the hatred of both, and we had now territories so extensive in India, that the population of Europe would hardly equal the drain they would require to keep them in our power, according to the military system now established. For several years past, as the company have advanced in revenues, they had equally done so in expence, and it was morally impossible to bear the drain of men that would be necessary to keep so many millions of the human race in subjection to us. No man better knew than he did, the benefits, almost beyond calculation, which this country might derive from our possessions in India, if affairs were managed with justice and moderation. His majesty's government, he said, had shewn their anxiety on that head, by their recent appointment of the marquis Cornwallis as governor-general of India. This nobleman was as amiable in his character, as he was exalted in rank, and was known by the native powers to combine within himself all that was just and good. He had already convinced them that, while possessed of absolute power, he was actuated only by inviolable honour and the most conciliatory disposition towards them; and he thought that a declaration of parliament, such as the hon. mover has brought forward, made at this time, just as the noble marquis was about to sail for India, would be a token to the native powers that we wished, and intended an abrogation of the present system, and could not fail of being attended with the most beneficial effects. He would therefore vote for the original motion.

Sir *Theophilus Metcalfe* differed altogether from the two hon. gent. who had spoken last. The treaty of Bassein had been founded on consummate policy, and did great honour to the noble marquis, whose principal object was to prevent the Mahrattas from being united under one head. The hon. bart. proceeded to review the circumstances which led to that treaty. If Scindeah and Holkar had not been divided at Poonah, the consequence would have been the consolidation of their several great powers, and we should have had them both joined against us. The Mahrattas had always had it in contemplation, ever since the death of Sujat Ul Dowla, to extirpate the English from India. Madajee Scindeah had the same, and he thought the marquis Wellesley had the highest degree of merit, in being able to frustrate their machinations, and by attacking them separately, preventing those mischievous consequences which a combination of their powers could not fail to produce. From the character of the noble marquis, if he could have preserved peace consistently with the interests of the company, he was certain he would have done it. It had been the favourite design of the Mahrattas, for upwards of twenty years, to extirpate the English from India, and for this express purpose they had been at a very great expence in improving their tactics and engaging in their service as many Europeans as possible. He was decidedly against the original motion.

Mr. *Chapman* spoke in favour of the original motion. He said, that the moment they entered into a treaty with the Peishwah, they must expect a war with the Mahrattas. He had been resident in the country of the Rajah of Berar, and there the Peishwah was not allowed to be the supreme chief over the other feudatory chiefs. Scindeah and Holkar could never be expected to agree to the treaty, and he thought, therefore, it was very impolitic to enter upon it. The war was very expensive, and he was afraid would be productive of considerable mischief to the company's affairs.

Mr. *Princep* thought the house indebted to the perseverance of the hon. member in calling their attention to so important a subject, and expressed his approbation of the magnanimous conduct of those official gentlemen, who, disregarding the restraints of office, so candidly and honourably avowed their sentiments. He trusted, as the attention of the house seemed now directed to the subject, they would not give it up till they had fully investigated the manner in which the affairs of our Indian dependencies had been administered. On the present occasion, however, when a noble marquis was on the eve of setting off for India, to take on him the supreme command and government of the country, he did not wish such a declaration as that moved for by the hon. gent. should be voted by the house, as he was afraid it would be the means of fettering and binding up his hands, at a time when he ought to be left at full liberty to act in such manner as to himself should seem most proper. He should therefore vote for the previous question.

Mr. *Robert Thornton* warmly approved of the original motion. He was of opinion, that the system now acted upon with regard to India ought to be changed, and that we should act on principles and indications of moderation and forbearance, and not in the spirit of conquest and aggrandizement. He trusted, that it was with that view, and with these intentions, that marquis Cornwallis would set out for that country. In sending out that noble marquis in lieu of lord Wellesley, we were substituting the olive branch for the sword, and this at a time that such a substitution was essentially necessary. Such a declaration as that now moved for would shew that parliament are determined on a dereliction of the late system; and it would shew the marquis and the native powers in India, that you do not send him out merely as a common governor-general, but that the country might derive advantage from that conciliatory disposition which is so much wanted to heal the wounds which, he thought, had too rashly been inflicted there. If we were to hold India and to keep the French out of it, we must not think of doing either by the sword but by conciliating the minds of the native powers, and convincing them that justice and moderation should be the future rule of our conduct towards them. No one could deny that marquis Wellesley had acted with great energy and activity. In his opinion the noble marquis was too active, too energetic and too enterprising. The noble lord had pursued the warlike system too far, and had thus created a discontent and disposition to resistance among the native powers, of which the French, or any power hostile to us, could easily avail itself, if it could obtain any footing in India. The conciliatory system was therefore become indispensable for our honour and security. For he feared that for some years back we were become in India what the tyrant of France was in Europe.

The *Chancellor of the Exchequer* admitted that in one point of view the motion now before the house was such as nobody could object to in the abstract, because it was a principle expressed upon our statute-book and founded upon natural justice, that w hould not make war for the sake of exending territory ; but it did not thence ollow, that if we were forced into a just nd a necessary war, that we were not to onquer, and that, after conquest, an exent of dominion might become the result f it, for that was the natural effect of sueriority in contest ; our security might equire it, or we might take by way of inlemnity. If it were not so, we should, by usillanimity, unite all the world to attack s. The resolution, therefore, as it had an spect hostile to that principle, was unjust o the noble marquis, because it was a geeral censure on the whole of his administration, by now putting the whole of that administration together, and following up the historical account of it with a resolution, which either meant to censure that administration altogether—an administration as full of excellent achievement as any that ever preceded it, and in which the noble marquis had done as many and as glorious deeds as ever were done by any man ; or else the resolution was only a repetition of what was on the statute book already, and meant nothing but an unnecessary repetition of an undisputed truth, and objection on that head. This resolution taken as one that censured extension of territory, in all events, was unjust, not only for the reason he had stated already, but unjust to my lord Cornwallis himself, who was to-night so highly and justly praised, for even he had extended our territory in India after the conclusion of a war. The grand policy of this country in India was to keep down the power of France. There might be fair ground for difference of opinion on some points of Indian policy ; but on the great leading features of the noble marquis's administration, there could exist no doubt on the merits of those transactions, by which he had conferred such benefits on his country, had secured her interest, upheld her honour, and exalted her glory. He had dispelled a danger the most formidable and menacing, which he never could have done on the principle of the hon. gentlemen opposite ; and dispelled it, during a war in which France wished, through India, to strike a fatal blow against British commerce and greatness. The wisdom of the noble lord had been evinced in adopting the highest, most important, and fundamental policy of the British interests in India : he had procured, in the issue of his brilliant campaigns, indemnity and security : he had gained a great extent of valuable sea-coast, a matter of great consideration with a view to preventing the designs of the enemy.—He must object most decidedly to a motion which cast a slur upon the justice, the magnanimity, and the good faith of the British government. He need not dwell on the last Mahratta war, after what had been said by his noble friend. He contended, that lord Wellesley was fully justified respecting the treaty with the Peishwa. We ought not to permit either Scindia or the Peishwah to possess the whole of the Mahratta power. The right hon. gent. alluded to the attempt made on Egypt, as connected with the design of the enemy on the East Indies, and stated, that he knew France had still been looking to the Mahratta states as the great instrument to be employed against us in India. If there was any variety of opinion as to some parts of the noble marquis's administration in India, and in an administration so long and so full of incident, no wonder if there should, let the specific points be stated on which the objections are taken, and they should be met as they ought to be, but the present motion was either to convey a general censure of the whole of the administration, which nobody would avow, or it went to declare that which was unnecessary, because declared already.

Mr. *Fox* vindicated the motion and the objects of the honourable mover. The right hon. gent. who had just sat down, was completely mistaken, in supposing that the meaning of his hon. friend, or of those by whom the motion of 1782 was drawn up, was, that parliament should make a declaration against unjustifiable wars, for that would be just such trash as the French assembly published at the commencement of the revolution ; but upon which they did not afterwards act, "that they would not make war for sake of conquest." No, the meaning of the motion before the house, and of that of 1782, was this, that an extension of territory in India was not the policy of this country ; that is, that whatever the grounds of war might be, a farther addition to our territory in that quarter would be a mischief. But the right hon. gent. on the other side, seemed to say, that our situation was materially altered since 1782, with respect to India. Where, he would ask, was the material circumstance of change ? We were at war with France in 1782—The French were as willing to excite an opposition to us in India, and Tippoo was quite as willing to second such views as the Mahrattas can be supposed at present. Yet under all these circumstances we concluded the resolution of 1782. He called upon the house to come to some discussion upon this point. If the extension of territory were desirable, let the motion be negatived at once, and let some course be determined on. But let not such a line of policy be followed as was calculated to keep alive doubt and suspicion, and forbid the possibility of confidence in our views among the native powers. Every pretence seemed to be sought for to declare war in India, and it appeared impossible to calculate when this propensity to war would cease. As soon as we had destroyed Tippoo, it was then stated to be very desirable to form a close connection with those Mahratta powers, which were previously pronounced our friends. This connexion we had soon formed with them, and we gave them something like what the French used to term the "fraternal hug." We embraced the Mahrattas, just as the French embraced Holland. We, in fact, seemed in India, to be like Macbeth, "so steeped in blood" that we thought it vain to go back. Sed revocare gradum, hic labor, hoc opus est. After destroying Tippoo, who formed a barrier between us and our friends the Mahrattas, we then proceeded to destroy our friends themselves. But, it is said, that you waged war against the Mahrattas, merely from a fear of the French; and a similar plea may be alleged with equal justice, against any state in India, until, in the work of destruction, the English force may make its way to the wall of China, or farther if they could. War was declared against the Mahrattas, because they were the only power remaining in India. So that in other words, our govt. appeared to argue, that we could not be safe until all India was our own. His opinion, the hon. member declared to be decidedly different. The best way in his view to secure our interest and possessions, was to prohibit their extension. As to the allusion made to the character of lord Wellesley, he could not admit that the motion was meant to reflect on that noble lord, upon whose conduct he was not now prepared to pronounce any opinion. If the administration of that noble lord was meant to be inquired into, when he should return home would certainly be the proper time to institute such inquiry. An hon. gent. (Mr. Princep) was of opinion that the adoption of this motion would operate to fetter lord Cornwallis. But he believed, on the contrary, that it would serve to fortify the views and intentions of that noble lord. It would shew him that the policy he held was sanctioned by the voice of parliament. He remembered it having been said with respect to his India bill, that the objection was not so much to the measure as to the man; but on this occasion he should say, with respect to the motion and lord Cornwallis, that this measure was the man. The hon. gent. on the other side entertained opinions directly the reverse of those professed by the three respectable directors of the India company, whom the house had heard declare an unqualified adherence to the resolution of 1782. The right hon. gent. had advanced some statements which shewed that he contemplated schemes of ambition far more wild and mad than the governor of India was ever suspected of. For the right hon. gent.'s ideas would go to this, that we should possess ourselves of all India; and if possessed of that vast empire, he contended that it would be an intolerable drain upon our military resource to preserve it, while its preservation would not be so conducive to our benefit, as India governed upon the principle laid down in the motion would be. But the main pretence rested upon by the advocates for further conquests seems to be this, that they are necessary for our safety. Now this was precisely the pretence of all conquerors and marauders, in all ages. According to Livy, whenever the Romans made war upon any state, it was only to secure their own safety. Such was the plea advanced and exactly the same was the ground frequently urged by Lewis XIV. and others entertaining similar views. In the name of common sense and justice, he would ask, where such a plea was likely to stop? Where was this resort for safety to end, for, according as it was applied, no man was likely to be at peace, for he could not calculate upon safety while there was another man alive who had strength enough to knock him down. Thus no state could be at peace, until every nation capable of attacking it was destroyed. Such was the tendency of the argument deducible from the abominable principle laid down to excuse our wars in India, respecting the means of securing ur safety. The operation of such a plea, truck him to have no end but in unbounded lominion. The hon. gent. concluded with xpressing a hope that whether the motion efore the house should be acceded to r not, something declaratory of the proosed system with respect to India, would e adopted as a guide to our governors in ndia, as a rule by which our views might e judged of by the natives. If that sysem should be consonant with moderation nd justice, it would be founded on the priniple of this motion, and best calculated, he as confident, to promote our interests in ndia.

Mr. *Francis*, in reply, insisted on the ame motives of conduct as were recomended by Mr. Fox; and contended, that hey would be most congenial to the feelings, nd most consonant to the policy upon hich the noble marquis was likely to act, nd for the enforcement of which it was kely that he was again induced to underke the government of our India possesons.—The question being loudly called r, the house divided;

For Mr. Francis's motion	46
For the previous question	105
Majority against the motion	59

HOUSE OF LORDS.

Monday, April 8.

[MINUTES.] Counsel were further heard elative to the Scotch Appeal, Cathcart, art. *v.* the Earl of Cassilis, viz. Mr. Ersine, at considerable length, as second ounsel, for the Respondent. The hearg of counsel was rather earlier postponed an usual, in consequence of the sudden disposition of the lord Chancellor, on acount of which an adjournment of the ouse, during pleasure, took place. In the ourse of about half an hour, the house sumed, and the lord Chancellor took his at on the Woolsack; and the farther conderation of the appeal was adjourned till -morrow.—The bills upon the table were rwarded in their several stages: among ese, the Neutral Ships and Innkeeper's llowance bills were read a third time and ssed, and the Irish Spirits Permit bill went rough a committee of the whole house. -The indisposition of the lord Chancellor ntinuing, it was moved, his majesty's mmission under the great seal, be read; thorising and appointing Edward Lord lenborough, Chief Justice of the Court King's Bench, to act and officiate as Speaker of the House of Lords, during the absence of the lord Chancellor, &c. The same was read accordingly. The lord Chancellor then put the formal question upon the proceedings, and retired from the house, and lord Ellenborough shortly after took his seat upon the woolsack, as Speaker *pro tempore.*

[MILITIA ENLISTING BILL.] The Militia Enlisting bill, was then read the third time; and on the question being put that the bill do pass;

Earl *Spencer* rose, not to oppose the passing of the bill, but merely to enquire of the noble secretary of state what arrangement was intended with respect to a matter which his lordship conceived to be highly important, but for which no provision was made in the present bill, that he could observe; namely, with regard to the officers now attached to the several regiments of militia, but who would be superfluous or supernumerary, when those regiments should come to be reduced to their intended limitation; his object was, to be informed whether they were to be continued on full, or reduced to half-pay.

Lord *Hawkesbury* answered, that the bill was not intended to affect the pay of any officer now attached as such to any regiment of militia, in consequence of the reduction, so long as the militia continued embodied.

Earl *Spencer* said, his only difficulty was how such supernumerary officers could legally continue to receive full pay after the reduction of the militia to its original standard. Such a principle he was sure must be contrary to the spirit of the original Militia law; and without a special clause in the bill (which certainly might be amended any time in the course of the present session) he did not see how that principle could be dispensed with.—The question being put, "that the bill do pass," the house divided;

Contents . .	55
Non-contents . .	40
Majority for the Bill	15

Adjourned.

HOUSE OF COMMONS.

Monday, April 8.

[MINUTES.] Mr. Huskisson brought up a bill for amending and rendering more effectual the Property bill, which was read a first time.—The house resolved itself into a committee of supply. Mr. Foster moved, that an account of the unfunded debt of Ireland be referred to the said Committee. Ordered.—He then moved, that a sum not exceeding 800,000l. be granted to his majesty for paying off Treasury bills, for the year 1805, which was agreed to, and the report ordered to be received to-morrow.—Mr. Stuckey, from the Excise Office in Scotland, presented at the bar an account of the arrears and current balances in that department. Ordered to lie on the table.

Mr. *Johnstone* begged leave to ask Mr. Sheridan, whether he had abandoned his motion relative to the affairs of the Carnatic? If he meant to do it, he would, inadequate as he confessed his abilities to be to a subject of such vast importance, bring it forward.

Mr. *Sheridan* said, though the matter had long lain dormant, he certainly did not mean to abandon it; especially as a noble lord opposite had seemed to hint, some short time back, that these affairs had been so happily settled, that all inquiry was unnecessary. He meant, immediately after the holidays, to fix a precise day for bringing forward his motion on that subject.

[Censure of Lord Melville.] Mr. *Whitbread* rose to make his promised motion, founded on the tenth report of the Commissioners of Naval Enquiry, and spoke as follows:—When first, sir, I gave notice that I should call the attention of the house to the subject on which I am now to address you, it was my intention to follow the precedents by which the house have been generally guided, and to move that the tenth report of the commissioners of Naval Enquiry be taken into consideration in a committee. I have, however, since, on mature reflection, seen reason to alter this original resolution, and confining myself to the most important part of that report, to make that the foundation of certain propositions with which I shall have the honour to conclude. With due respect to all the commissioners which have ever sat under the authority and appointment of this house, I must be permitted to say, that none was ever more honourable in its origin, none had ever prosecuted its inquiries with more real advantage to the public interest. It is well known that this commission originated from the late Board of Admiralty, at the head of which presided that noble lord who had so often signalized his prowess in fighting the battles of his country. That noble lord, however, not satisfied with combating and subduing her enemies abroad, returned home to overturn her domestic foes, by exploding those mines of corruption which rendered all advantages of victory fruitless and unavailing. The commissioners thus constituted have already made a variety of reports, though I am sorry to say that on few have any proceedings hitherto been founded. I certainly do take some degree of merit to myself for having moved for certain papers calculated to elucidate the first report, and was then given to understand that a commission had been appointed to carry into effect such suggestions in the report as appeared likely to be adopted with advantage. What progress has been made by this commission does not hitherto appear, though at a future time I may feel it my duty to bring the matter again under the consideration of the house. But to return to the Commissioners of Naval Inquiry, I think it clearly demonstrated, that if they had greater difficulties to encounter than any former commission suffered; if they have been attacked in a manner contrary to all decency by the whole host of jobbers and depredators, whose villainies it was their object to expose; if they have been described as exercising the office of inquisitors rather than of commissioners; if their views have been vilified not only in this house but throughout the public at large; if every possible obstacle has been thrown in the way of their investigations; if every thing, in short, has been done to disgust them, and make them relinquish the great task entrusted to them by this house; and if, overlooking all these considerations, they have thought only of discharging their duty to their country, it will not surely be denied that their merit has been greatly enhanced, that they are entitled to the warmest gratitude of the best interests of this empire. By their firmness and their perseverance they have discovered what eluded the most diligent inquiries of various commissions appointed for the purpose of ascertaining the amount of various abuses in the public expenditure, what all the vigilance of committees of this house could not fully bring to light. The commissioners having thus done their duty to the public, it falls to my lot to bring to justice the criminals whom they have exposed. It is needless for me to insist on e importance of the subject on which I n now addressing you. It is important the high person whom the propositions ith which I shall conclude principally volve. It is important to the very lvation and existence of our coun- y. It is important to the commis- oners who have brought forward this ost interesting report. If the house de- de, as it appears to me that they are in uty bound, and as it strikes me it is al- ost impossible for them not to decide, will prove that no person guilty of so agrant a violation of an express act of arliament, as that contained in the tenth port, that no individual strongly sus- ected of conniving at such unwarrant- ble application of the public money, or ceiving any advantage from this misap- lication, however high his rank or exten- ve his influence, shall escape with im- unity. The public will look with reve- ence to our decisions; they will be con- inced that a door is opened for the intro- uction of regularity and economy in our ublic expenditure, and that if our bur- iens are extreme, their produce will at ast be applied to the purposes for which arliament intended them. If, on the ontrary, our decision should be contrary these just hopes and expectations; if e shall, in defiance of the report on our ble, pronounce the noble lord not guilty, ien indeed the people will have serious use for complaint and indignation; then ie vulgar assertion may with great appa- nt plausibility be employed; we may ith truth be accused of seeking only emo- ment as our sole object, in place of the od of our country. No longer can we considered as statesmen animated by a udable spirit of ambition—that ambition planted in our nature to incite us to gh deeds. We must then be considered acting only from the base, sordid mo- ves which degrade the character of the atesman, and render him contemptible the eyes of his fellow citizens. Feeling ese truths severely, I do trust that the use will accede to those propositions hich it is my intention to found on the cts which the tenth report has disclosed. his report involves a considerable num- r of individuals. It is not only Lord elville and Mr. Trotter, his pay-master, at are involved, but we have Mr. Wil- n and Mr. Mark Sprott, who cut no considerable figure in the scene. We ve also brought before us the high and respectable company of the bank of England. If I am not also misinformed, the report to a certain degree involves the character of the right hon. gentleman (Mr. Pitt) on the other side of the house. With respect to what is said in the report about the Bank of England, I am not satisfied that the conduct of the governors in allowing the money, the public money, to be withdrawn in the way in which it has been, was correct. On the contrary, it has every appearance of being in direct opposition to the express regulations of an act of parliament. The evidence of the officer of the Bank, who was examined before the commissioners, does not fully do away this impression. With respect to what I alluded to respecting the right hon. gentleman opposite, I shall explain my meaning in a few words. I have been informed that the right hon. gentleman, several years ago, when he last held the same situation which he now enjoys, was informed of the existence of the practice of withdrawing the public money contrary to an express act of parliament, and that no steps whatever were taken to put an end to it. If this statement be correct, the right hon. gent. will permit me to say, that his conduct betrayed very culpable negligence, and a very unjustifiable connivance at a practice which every man who values the proper regulation of the public expenditure must consider as highly dangerous. In bringing forward a charge against lord Melville, I do not bring a charge against a mere unprotected individual. During the greater part of his life he has enjoyed an ample share of the public rewards, and public honours. For a period of thirty years he has been in the uninterrupted possession of some lucrative office, and he has at the same time exercised a most extensive influence. He has, no doubt, many friends attached to him by the consciousness of obligation, and though he is not now present to hear the charge preferred against him, he has many friends in this house who will be happy in the opportunity of undertaking his defence. Thinking, then, that I take no unfair advantage of him, I proceed to that charge which his friends will be fully able to explain to him in another place. In conducting this business, it will be my object strictly to adhere to that moderation which is the most adapted for the investigation of truth, but, at the same time, with that firmness and perseverance which my duty to the public imposes on me. In the case which I have to lay before the house, there are some circumstances of aggravation which will render it necessary for me to occupy a greater portion of your time, than I could otherwise have wished, and to employ terms of greater severity, which, on other occasions, would readily be spared. When I look to the individual who is the principal criminal, against whom my charge will be directed, I see many reasons which increase the magnitude of his offence. At the close of the American war, when we were plunged into the greatest national distress, and when the public began to see that there had been a gross misapplication of our resources, petitions flowed in from all parts of the country, praying for some reform in the expenditure of the public treasure. The right hon. gent. opposite was then in the dawn of his political life, and in nothing did he seem more desirous of recommending himself to notice and distinction, than by his zeal for the reform of abuses, and his anxiety to have a well-regulated system of economy established in every part of the public expenditure. Committees were accordingly appointed, and on the reports which they produced, regulations were framed for diminishing every sort of unnecessary expenditure, and for removing all those causes which had formerly created these excesses. Of these the most prominent was the regulation for lessening the balances in the hands of public officers. It was at the same time resolved that a number of the fees and gratuities formerly existing in public offices should be withdrawn, and instead of them permanent and adequate salaries should be allowed. It was particularly laid down, as a most important regulation, that the paymaster of the forces and the treasurer of the navy should have a specific salary, and that they should neither directly or indirectly derive any advantage from the use of the public money. Now, these resolutions are alive in the recollection and feelings of many gentlemen who are at present members of this house; and sure I am, that lord Melville is the very last man in the world who can at all plead ignorance of their existence. He, indeed, distinguished himself at that period for his professed zeal for the reform of abuses, with what sincerity I leave to the judgment of the house to decide. He surely could not have possibly misunderstood the intention of the legislature, and I am not now to inform him for the first time, that the abuses in the offices of the paymaster of the forces and the treasurer of the navy were the leading features in all the reports of the parliamentary committees of that day. In 1781, a positive resolution passed on the reports of one of those committees, declaring it as their opinion, that neither the paymaster nor the treasurer of the navy should draw any part of the public money till it was positively wanted for the public service. The report further goes on to state the opinion of the committee, that the treasurer of the navy should henceforth act as an accountant and not as a banker, to the nation. A report was at the same time made of the amount of the treasurer of the navy's salary, which was 2000l. exclusive of profit arising from the use of balances of the public money in his hands. It was on these reports resolved that all these balances should be forthwith paid into the bank of England, and that the salary of the treasurer should be fixed at 4000l. in lieu of all fees, emoluments, or gratuities of whatever description. What was the conduct of Mr. Barré, at that time treasurer of the navy? Even before the resolution had been submitted to the legislature, he spontaneously paid into the Bank of England the whole amount of the balances at that period in his possession. In this case the house will see clearly that Mr. Barré was not placed in circumstances at all parallel to those under which lord Melville has acted. There hitherto existed no positive law to force Mr. Barré to surrender up his balances, but he very wisely bowed to the decision of a committee of the house, and shewed his readiness even to anticipate the future resolution of the legislature. Mr. Barré thus gave the promptest proof of his obedience to the voice of parliament, and it was proved before the commissioners by the only person now surviving to attest the fact, that Mr. Barré never afterwards, directly or indirectly, received the least emolument from the public money beyond the established salary; and the same observation applies to every one of those in his employment [A cry of hear! hear!]. Lord Melville succeeded Mr. Barré for a few months, as treasurer of the navy; and whether, during this short period, he received any advantage from the public money, whether it was placed in the Bank of England, locked up in the iron chest, or lodged in the hands of a private banker, I have not at this day the opportunity of deciding

is is at least certain, that Lord Bayn-
g, who succeeded Lord Melville, had no
rt of difficulty in answering the commis-
ners. His answer was manly and ho-
urable. On being asked, whether he
joyed any separate emolument or ad-
ntage from the public money, he une-
ivocally answers in the negative. After
e dissolution of the ministry of that day,
again have Lord Melville treasurer of
e navy. On his resuming his old station
discovered that the salary did not ex-
rly amount to the sum which parliament
posed. An act of council accordingly
ssed on this representation, and the net
ary of 4000l. a year was established.
is sum so established, was expressly
clared to be in lieu of all emoluments,
es or advantages. In 1785, in conse-
ence of a recommendation of his ma-
sty in his speech from the throne, an act
s passed, containing those regulations
which the future conduct of the civil
partment of the navy was to be orga-
sed. At that time the right hon. gentle-
an opposite held out to the house the
ost brilliant picture of the beneficial ef-
ts of these plans of improvement. While
spoke of the means by which economy
s to be promoted, he did not forget the no-
lord against whom my charge is now to be
eferred, but selected him as the person
ost fit to carry them into the fullest acti-
y. He must now have seen his mistake,
at least, the public were long since con-
ced both of the fallacy of the hopes by
ich they were flattered, and the peculiar
fitness of the noble lord to undertake any
ng like national reform in any one of
departments. From the conduct which
noble lord has since pursued, one
uld think that he had been employed
the work of reform only to bring it into
ntempt; that he was put forth as an
trument of correcting abuses only to
der them more inveterate. The bill of
85 did pass, and the noble lord was the
rson selected to carry it for the appro-
tion of the other branch of the legisla-
re. Never was the spirit as well as the
ter of any act less favourable to wilful
srepresentation; never could any thing
rd a more wretched handle for any
ng like subterfuge and equivocation. I
not suffer myself to believe that the
nds of the noble lord will attempt to
een his conduct, under pretence that
letter of the law has not been violated.
ch an apology would only serve to
ghten his criminality; and, for the noble lord's own sake, I trust it will not be resorted to. But, sir, let me only call your attention to the preamble of the bill, and the house will see that neither its letter nor spirit can be misunderstood for a single moment. The preamble of the bill recites all the abuses specified in the several reports, alludes to the resolutions for the correction of those abuses, and specifies that a specific salary is to be given in lieu of all fees, emoluments, or advantages. A competent salary was established, that all temptation to make an improper use of the public money might be avoided. Thus then, both according to the spirit and letter of the act, it was impossible for the noble lord, or any other human being, to mistake what was the direct object of the legislature. Now, what was the first act of the first part, in the second treasurership of Lord Melville, with this act expressly in his view? The act says, that all money shall be immediately taken from the hands of the treasurer, and lodged in the Bank of England. The act passed in July, 1785, and it was not till the subsequent January that the balances were paid into the Bank, agreeably to the terms of the act. What possible excuse can be set up for such an extraordinary violation of an act of parliament, in the framing of which the noble lord himself, in all probability, took a material interest? He is the first to violate that law to which so much importance is attached. In what manner too does this violation take place? It appears, that on the 31st January, 1784, the balance in the hands of the treasurer of the navy was upwards of 70,000l.; and in July, 1785, it had increased to upwards of 113,000l. being an augmentation of more than 42,000l. betwixt the two periods to which I have alluded. I wish to know then why this delay in the transfer of the balance took place? It is impossible to account for this by any consistent principle. The only way of accounting for the matter satisfactorily, is to suppose that it was withheld with the sole view of private emolument. I know it has been contended that the delay took place in consequence of some regulations in the treasurer's office being incomplete, but will such a pretext as this impose even on the weakest understanding? What difficulty was there in the transfer which the act required? What new regulations were wanting to complete the safe lodgment of the balances of the treasurer of the navy in the

Bank of England? But it is to such wretched pretexts as this that the noble lord is reduced when unable to give any other reason for the violation of an act of parliament than that which I have just referred to. Such is the situation in which we find the noble lord at the expiration of the first part of his second treasurership. I shall now go on to the consideration of the sequel of this second treasurership, which forms the grand subject of the tenth report. In doing this I shall arrange my observations under three distinct charges. In the first place, then, I charge Lord Melville with having applied the money of the public to other uses than those of the naval department with which he was connected, in express contempt of an act of parliament, and in gross violation of his duty. I charge the noble lord, in the second place, with conniving at a system of peculation in an individual, for whose conduct in the use of the public money he was deeply responsible, and for this connivance I denounce him as guilty of a high crime and misdemeanour. To these two charges I shall, on the present occasion, chiefly confine myself; but there is still a third, on which I shall not insist very largely now, but which, if the inquiry is instituted, I shall feel myself most powerfully called on to support in this house. I mean here to allude to the strong suspicion that the noble lord himself was a participator in that system of peculation to which I have referred, and is consequently liable to very severe pains and penalties. Unless what has been said could be unsaid, unless what has appeared before the commissioners could be obliterated, it appears to me almost impossible to get rid of this impression. I have said that I will pursue this inquiry with moderation on my own part, but I repeat that I will follow it up with steadiness and firmness for the country. It is certainly to the honour of our public men, that even in times when party spirit was at its height, when the political world was the most violently agitated and convulsed, charges such as that which I now bring forward against the noble lord have seldom been preferred. It is a singular circumstance, however, that the only instance of a similar charge for a great number of years was brought against a great public criminal by the same noble lord whose accuser I now appear. I allude to the case of Sir T. Rumbold for malversations in India; but it is not my wish to carry matters to such an extremity against the noble lord, though my duty impels me to bring him before the proper tribunal. In making out my charge against the noble lord I must call your attention to what is stated in the report, for it is material to see what is the nature of the evidence produced. First of all, then, the commissioners found that there had been for a number of years deficiencies in the treasurer's department, to the amount of upwards of 674,000l. a year. I am not now wishing to rest much on the correctness of the particular sum. Whether it be ten pence, ten pounds, or even a million, the principle is the same, whatever be the magnitude of the deficiency. That a deficiency did exist is not denied, for even lord Melville himself owns its existence. In this situation the commissioners evinced a very laudable desire to ascertain how the deficiencies had originated; and for this purpose it was necessary that lord Melville and Mr. Trotter should be summoned before them. As in this state of the business I shall have frequent occasion to allude to Trotter, it may be proper to say a few words in explanation. When I speak of Trotter, I speak at the same time of lord Melville, for in the whole of this business they are completely identified. The action of the one I view as the action of the other. This, indeed, is the exact view taken by the committees which reported on the situation of the treasurer and paymaster of the navy. They considered the office of treasurer as a mere sinecure, the whole of his business being done by a deputy, and in this relation precisely does Mr. Trotter stand to lord Melville. The one transacts the business, and the other incurs all the responsibility. The treasurer of the navy, as in lord Melville's case, was often a privy and even a cabinet counsellor, and it is very fit that he should be relieved from the cares of office. But if he is to enjoy emolument without labour, it surely is not asking too much to have a little responsibility attached to the distribution of the public money. So much then as to the identity of Mr. Trotter and lord Melville in this business. So zealous did lord Melville appear for the proper administration of the civil department of the navy, that, not satisfied with the bill of 1785, he actually proposed and obtained an act of council for authorizing, in the management of the pecuniary concerns of the navy, a variety of fresh regulations. [Here the hon. member read a few passages from the act.]—Thus, continued he

ere all the regulations that the noble lord
oposed for the economical govt. of the
vy conceded to him, and he had nothing
ft to impede his favourite plans of im-
ovement; and he is the man to autho-
ze his own paymaster to hold in contempt
e peremptory orders of the legislature!
e heaps up regulations and takes not
e least care that they shall be in one
ape or other observed. On the contrary,
ese deficiencies are evidence how grossly
e intentions of the legislature have been
aded.—Before I consider what Mr.
rotter's answer was, let me remark, that
e general complexion of the evidence
efore the commissioners was of a very
traordinary description. I had almost
id, all the witnesses gave a reluctant and
isgraceful testimony. I was rather un-
arded in my expression, for I own that
veral respectable gentlemen gave their
stimony with a candour that did honour
their character and feelings. The others
ve a testimony extorted from them, or
eltered their guilt under mysterious si-
nce.—Much as I approve of and admire
e proceedings of the commissioners, I do
ish that they had forced some of these
entlemen to favour us with a little more
f their reluctant information. I think
ey might have done this in perfect con-
stency with the powers with which they
ere invested. What is stated in this re-
ctant testimony has, however, this ad-
antage, that it possesses the strongest
haracter of credibility. It has been strange-
asserted by some persons that the re-
ort of the commissioners is altogether *ex*
arte, and ought not to be the foundation
f any decision. I really am at a loss to
onceive how any man can make such a
trange assertion. I ask, had not lord
Ielville and Mr. Trotter a fair opportu-
ity of vindicating their character before
he commissioners, if they were conscious
f innocence? When lord Melville was
sked a plain question as to his appropria-
ion of any part of the public money,
hat had he to do? Why, he had only
declare on his oath and his honour—
No. What had Mr. Trotter to do? He
ad only to give the same answer of—No.
ut how do they think fit to proceed? In-
tead of following the plain path of integri-
and honour, they profess total ignorance
f deficiencies in the public money to a
ast amount. The paymaster is called
efore the commissioners, and he profes-
es to know nothing at all of the matter.
y and by he, however, turns the matter a little seriously in his mind, and he does begin to recollect that he does know something of the business. He confesses that he had been, from 1786 down to the period when he was examined, in the habit of drawing out the public money, and placing it in the hands of his own banker. The commissioners inquire a little further into the matter, but he will give them no satisfaction. "You have no right to ask me these questions, that is my private money." Nay, he even arraigns the commissioners, and in a paper which, from mere indulgence, they allowed him to present, he pretty clearly insinuates that they were a parcel of gentlemen making themselves a great deal too free with other people's secrets. Five different times is Mr. Alexander Trotter examined, and he refuses to give the commissioners the information they require. He talks, indeed, of sums advanced for other departments of the government, and alludes to Mr. Long having repaid to him some of the sums so advanced. I am sorry that Mr. Long was not examined before the commissioners. I think his statements might have thrown a good deal of light on this subject. Though, however, Mr. Long was not examined before the commissioners, the fact of the advances is admitted by lord Melville in his first letter to the commissioners. Indeed this letter was altogether of an extraordinary complexion. It was, however, of a piece with his lordship's evidence, and with his last letter, on both of which I shall, before I sit down, make a few observations. His lordship tells the commissioners that he cannot give them the information they required, because he cannot disclose confidential communications of government; but his great argument is, that he is not in possession of the papers containing the advances to other departments, having, for mere amusement no doubt, committed them to the flames. I do maintain, that this avowal of the noble lord is highly culpable. The destruction of these papers was, in a person of his knowledge of business, a great crime and misdemeanor. He ought to have known that papers of such a description are the property of no individual; they are the property of the nation. I recollect several committees complaining of the destruction of papers, and stating that, in consequence of such destruction, their inquiries were either retarded or altogether destroyed. To destroy public papers, referring to a recent date, does, in my

mind, imply something suspicious. I cannot easily trace it to any other principle than a wish to prevent criminal proceedings from being unravelled, and accompanied with merited punishment. But it seems that the noble lord has not only destroyed his papers, he has also actually lost his recollection of the whole affair, though it had so recently occurred. This does, I confess, seem a little strange, that a person of his lordship's great talents should labour under such a wonderful decay of memory. Of this, however, I shall say something more before I finish my observations. On the subject of these advances to the other departments, I condemn the practice in the strongest terms. I would in no case permit it to exist; but I could never for a moment suffer it to exist without explanation, and that too of the most satisfactory nature. Here, however, I hear the noble lord allowing that such advances were made, but he will give me no satisfaction as to the extent of the advances or the manner in which they were applied. In spite of the noble lord's silence, we know that the navy service was not in a situation to allow great advances of money, and what an apology would it offer if a demand on the navy board could not be paid, because, forsooth, lord Melville, and Alexander Trotter his paymaster, had agreed to accommodate the other branches of the service with loans of the public money? It may be said that the advances were to the secretary of state for important purposes. I shall not easily be brought to sanction these accommodations betwixt different servants of the crown. But lord Melville was minister at war, president of the board of control, and treasurer of the navy, all united in his own person, and here is a transaction, not betwixt two individuals, but one individual, uniting three different characters. It is Mr. Dundas lending Mr. Dundas with the one hand, and borrowing of Mr. Dundas with the other. It was a ridiculous, as well as dangerous combination. I know that some gentlemen on the other side will find all this system of accommodation very excusable. The public service is expedited, and no loss is sustained. I confess I cannot assent to such doctrines. I know that they were often urged by the right hon. gent. opposite, last war, and I have not forgotten all the fine things he told the house about the appropriation paper, and the manner in which each sum was satisfactorily accounted for to the public. I was never satisfied with such a loose way of dealing with the public money, and I always thought that the solid reasoning of my hon. friend near me (Mr. Fox) shewed completely how hollow and dangerous they were in practice. But even allowing the right hon. gent.'s arguments all their weight, they did not at all go to prove that such advances were either legal or expedient. Legal no man dares to call them; and certainly there is a great difference betwixt the treasurer of the navy and the finance minister of the country.—My second charge against lord Melville is, that he connived at the appropriation of the public money to private purposes. Mr. Trotter does not deny that he had large sums in the hands of Mr. Coutts, his private banker; and he has the effrontery to tell the commissioners, that it is more convenient for him to have his cash in the hands of a private banker than in the Bank of England, where an express act of parliament has declared that it shall be placed. This very ingenious gentleman thinks proper to add, that he finds himself more secure when his money is in the hands of Mr. Coutts than when it is in the Bank of England. Not only does he affirm, but he calls his patron, Lord Melville, to confirm his testimony;—Lord Melville, who had promoted the passing of the act of 1785; which expressly says the money shall be lodged in the bank;—Lord Melville, who, not satisfied with the act of 1785, gets new regulations, still more stict, in 1786. He likewise tells the commissioners, that Mr. Trotter's mode is also most convenient for the public service. Sir, I am really astonished to hear of the inconveniencies of having the money at the bank instead of a private banker's! Is not the discount at the bank easier than at a private banker's establishment? Cannot bank notes be more easily procured? But if the present mode, of which Mr. Trotter appears so fond, be so very advantageous, how comes it that Lord Melville never came to parliament to get it formally recognized? Mr. Trotter, indeed, finds a very ingenious reason for placing his money in the hands of a private banker. He says, that he was so anxious for the security of the money that he placed it in Mr. Coutts's, as the best place of safety. If any thing comes of the money I am an undone man, and my mind will never be at ease till Mr. Coutts has taken it into his protection. Now, it was not, though very improbable, altogether impossible that

ouse, respectable as Mr. Coutts's was,
ght fail, and what then becomes of the
eful Mr. Trotter's security? Why, sir,
s completely crushed and annihilated.
t if he was so very careful as he pre-
ds to be, why did he not place it in the
nk, where, even if a failure were to take
ce, still Mr. Trotter would be secure
his obedience to an act of parliament?
ish to ask the house for what purposes
se perpetual draughts of money, this
stant fluctuation of accounts in the
ne of Mr. Trotter, took place? At the
e that Mr. Trotter is so anxious for the
urity of his money, was it lodged at
. Coutts's, allowing that to be a place
safety? No, it was employed in dis-
unting bills, in forming speculations, in
mbling on the stock exchange. I am
lly almost appalled, and I think that the
use will likewise be appalled, at the
ection of no less than 134 millions of
e public property having passed through
rd Melville's paymaster's hands. Why,
, the report states explicitly that up-
rds of 3,000,000l. had been in the
nds of the private banker, and nearly
000,000l. more is alluded to as having
ssed through the same channel. But,
at we have hitherto had disclosed is,
rhaps, not one fourth of the money tran-
ctions of Lord Melville's paymaster, and
ich of the money in his hands when he
s absolutely destitute of funds to make
od the loss of one thousandth part of the
blic property in his hands. But while
these transactions were going forward,
what was Lord Melville employed?
es he know any thing at all of the state
Mr. Trotter's accounts, for every one
whose actions he alone is responsible?
s he carefully examined the use which
r. Trotter has made of the public money,
d is he satisfied with the result? The
th is, if you are to believe Lord Mel-
le himself, he knows nothing of the
atter. What, then, is the state of Mr.
otter's accounts? He himself pleads
orance, and cannot satisfy the com-
ssioners. What was the cause of all this
ected ignorance may hereafter appear.
One would have thought that a person
Mr. Trotter's perplexed turn of mind
uld have been anxious to do business in
simple a manner as possible, and in or-
r to separate the public from his own
vate money, nothing would have been
ore easy than the simple device of hav-
g a public and a private account. This, however, did not exactly suit Mr. Trotter's purpose. He preferred having a chest in which he was to receive money promiscuously. One man comes with five guineas, another with ten guineas, and a third with twenty, and so with different sums, and they are all thrown promiscuously into the chest. They return in a short time for their money, and Mr. Trotter, very complaisantly, says, "'Tis true, gentlemen, I did receive your money, but I threw it promiscuously into the chest, and it is altogether impossible for me to separate the different sums." Exactly similar to this is the conduct of Mr. Trotter in transacting his money concerns. He opens no less than five accounts. We have his own account—his separate account—his account as paymaster of the navy—his broker's account—and Jelicoe's account. He opens all these accounts, and when the commissioners ask him for what they were intended, he has the assurance to tell them that they had no right to interfere with his private affairs, and very flatly disclaims their powers.—He draws under these heads immense sums of the public money—as for example, a million of money in one day. On all the accounts there might be expected to be a number of curious and interesting items. The commissioners demand explanation, and again Mr. Alexander Trotter refuses to answer, and tells them to draw their own inference. The commissioners, baffled in getting information from Trotter, take up the business themselves, and here a curious scene is disclosed. Mr. Trotter, it is found, is busily engaged in buying all sorts of stock, and particularly active in purchasing navy bills, when they were at a price which rendered it almost certain that they might be afterwards disposed of to advantage. But while Mr. Trotter is so busy, what has become of lord Melville and his responsibility? Does he ever interfere to prevent these speculations? Does it never occur to him that it is extremely indecent for a paymaster of the navy thus to be sporting with the public money? I do think that it was the sacred duty of lord Melville to have told Mr. Trotter that he must either give up these connexions, or cease to be paymaster of the navy. If it had happened that in some of his extensive speculations he had been disappointed, inevitable ruin must have been the consequence. Had Mr. Trotter fell, it was not to him but to lord Melville

that the public were to look for redress. Lord Melville was involved in the fall of his paymaster, and all the consolation the public had, was to know that they were again to make good what the servants of the public had peculated. I cannot allow myself then to think that the house will be backward in agreeing with me that the negligent criminality of lord Melville was deserving of the severest reprehension. Let me, sir, recal to your attention what was the period when these speculations were going forward. It was in the very midst of our distresses; it was while the people were struggling up against that load of public burdens under which we groaned, that Mr. Trotter, with the assistance of that silent and discreet stock-broker Mark Sprott, were laying their heads together to lay out the public money to the greatest advantage. What was the whole amount of the sums so employed we have not the means of ascertaining. But this is of no consequence; for, as I have already observed, it is not the extent of the sum misapplied, but the general principle of misapplication that I contend for. I assert that Mark Sprott ought to have been more severely interrogated. There is no doubt that he is the man to give the clue to this nefarious business. Even his silence, however, was extremely expressive. It is not easy to conceive any thing more strange than the reasons he urged for his silence. He tells the commissioners openly, "I have had the opinion of Mr. serjeant Shepherd and other eminent lawyers, and they advise me to preserve a religious silence." Only be silent, say nothing, and we may be able to do something for you; but if you give answers, we much fear it is all over with you. Lord Melville and Mr. Mark Sprott are not quite uniform on this part of the business. Mr. Mark Sprott says nothing, but Lord Melville owns he knew of the transaction, but not of the detail. Sir, I say, if he knew of the transactions generally, and not of the detail, this, so far from rendering him less criminal, renders him still more guilty. If he was apprised that his paymaster was speculating in the funds, and if he derived no part of the profit, he was bound to see what was the extent of such speculations. He ought to have felt that his responsibility was in danger, and that it was full time for him to put a stop to so serious an evil.—After illustrating this idea by reference to Mr. Trotter's salary as inadequate to any extensive speculations the hon. gent. proceeded to animadver on the origin of Mr. Trotter's connexio with lord Melville. Lord Melville ha found Mr. Trotter clerk of the navy office. He made him his paymaster, and i a short time lord Melville contrives t make him his agent. In this situation o an agent, lord Melville has pecuniary concerns with Trotter to a vast amount, an when his lordship is examined he is unable to inform the commissioners whethe the advances made by Mr. Trotter wer from his own or from the public money The honourable member animadverte strongly on this declaration, which was o the part of lord Melville extremely suspicious. How was it possible that lor Melville could for a moment suppose Mr Trotter to be making advances out of hi own fortune? The fact was, that Mr. Trotter had originally no fortune. He was man of a good family in the part of th country to which he belonged; but lor Melville knew when he first began to patronize him that he had no property bu what he derived from his salary as paymaster of the navy. It was absolute equivocation then to pretend that lord Melville could be ignorant of Mr. Trotter making use of the public money to a vas amount. He condemned, as extremel suspicious, Mr. Trotter's acting as lor Melville's agent. When Mr. Trotter, th paymaster and agent of lord Melville, wa known to have extensive dealings wit Mark Sprott a stock-broker, was not th inference the most natural that their dealings were mutual? Would not people hav a right to presume that lord Melville share in the profits of those speculations, to whic there seemed every reason to think tha he was accessary?—But, indeed, it wa not easy to see how this conclusion coul be evaded. Was lord Melville ready o oath to disclaim such a connexion, or tha he had ever derived the slightest advantage from any speculation in which Mr Trotter was engaged? What was the language of all the predecessors and successors of Lord Melville? When the paymaster of Mr. Barré was asked, whethe he had received any emolument from th application of the public money? he readily answers—No. Had lord Bayning received any advantage? Had lord Harrowby?—No. Had Mr. Bragge? Had Mr Tierney?—No. Lord Melville is compelled to give evasive answers. He shelter imself behind the confidential commuications of government. He can afford o information, for his papers were destroyd. He has no recollection of what took lace only a few years ago. The noble rd was remarkable for his retentive meory. He could reckon up, with accuray unexampled, all our losses or our vicries during the late contest. The right on. gentleman opposite had not unfreuently derived the benefit of the noble rd's memory, when recollection was not f the most trifling moment. Yet here e noble lord's recollection totally forok him, and certainly such an instance f weak recollection was not a little rearkable. Surely it was no great effort of emory to recollect whether profit had ver been received from the use of the pubc money, and a simple monosyllable was fficient to state that recollection. Unrtunately this monosyllable was absent, t a moment when it was most wanted. Ir. Trotter's answers, too, respecting lord Ielville, were of the most damning decription. Did you receive any emoluent from the use of the public money?—won't tell you. Did you know of the mount of the sums advanced for the condential service of government?—I won't ll you. Did lord Melville authorize you use the public money for private emoment?—I won't tell you. Did lord Melille share with you in any profit arising om such a use of the public money?—I on't tell you. Here the hon. gentleman ead and commented on lord Melville's vidence, and adverted to the case of Jecoe, who had been suffered to remain a ublic debtor for a whole year, after he as known to be in arrears upwards of wenty-four thousand pounds. During e next year eleven thousand pounds ore arrears had accrued. He had a rong suspicion that Jelicoe was in the ame partnership with Mark Sprott, Mr. lexander Trotter, and his lordship. It ould not have been fair to have turned o short on an old companion. It would ave perhaps too been dangerous, since npleasant discoveries might have met e public eye. It looked very much as if, utually conscious of criminality, they ad agreed to be silent and keep their own ecrets.—Mr. Whitbread next commented n the last letter of lord Melville, which ather aggravated than palliated his guilt. Iis lordship even admitted the violation f the act of parliament. He allowed that Mr. Trotter employed the public money for private emolument, but he denied his generally participating in the profit of such application. This denial was nothing. It was not that fair open denial which was the only test of innocence. The hon. gent. then apologised for having exhausted the patience of the house in going through the statements which he had deemed it necessary to submit, to make the subject so intelligible as he could wish. If in the course of his investigation he had departed from that moderation which he had professed at his outset, and which it had unquestionably been his object to preserve, he should feel extremely sorry. He was happy, however, in supposing, unpleasant as his task had been, that he must have a majority of the members of that house to support him in the resolutions which he had that night to propose. A wound had been inflicted on the very existence of the country, which it was the duty of every member of the house to see checked and punished. When he turned his eyes to the country gentlemen, those guardians of the public purse, he could not doubt of receiving their cordial support, in opposition to a principle of peculation which had been successfully practised on the public of Great Britain for many years, and that, too, by persons entrusted with the official conduct of its resources. If he looked to the officers of the army or navy, who composed part of the house, he knew that there was not one of them who would vote in support of a system of corruption, such as had been practised by the persons against whom his inquiry was directed. He was convinced that their minds were not tainted with such sordid and corrupt notions as to induce them to support public peculators. If he turned to the commercial men, he was satisfied that they were not filled with horror and disgust alone, but even with trembling, at the conduct which he had now endeavoured to point out, by which it was possible that ruin might have been hurled on them. Even as it was, had not the speculations of Mr. Trotter injured many of them? And might they not have injured not only the mercantile interests of the country, but also have been productive of great loss to the public in general? Would it have been a vindication of Aslett, supposing his speculations had been more fortunate than they ultimately turned out, to have come forward and said, "there is your money back again—you are not injured—you have no right to complain—I only took an accommodation from you, by which you have lost nothing, and you have no right to pass any punishment on me for so trivial and innocent an offence?" Such, surely, would, to gentlemen acquainted with mercantile affairs, be an excuse provoking only indignation and resentment. Or would it be esteemed a better argument to allege that the books and other documents from which it might have been possible to have cast some light on the accounts, had been burnt or intentionally destroyed? An allegation of this kind must with them meet with equal respect and attention. Every day of their lives, they were called on to prosecute for offences of less magnitude. Would the right hon. and learned gent. who presided in a court of equity; would another right hon. and learned gent. whose duty it more particularly was to prosecute for delinquencies, and who did think it so incumbent on him to check even the appearance of corruption, as to prosecute a person in an inferior rank of life for an attempt to bribe a right hon. gent. then at the head of administration (now lord Sidmouth);—would they attempt to palliate a business of this kind, or would they not rather feel it their duty to join with him, and assist in bringing delinquents of a higher order also to justice? He begged gentlemen to keep in view the distressed state of the country in general. The opulent were obliged to part with their superfluities; and, from the nobleman to the peasant, every one was obliged to make corresponding sacrifices. We were told, indeed, that such were necessary for our salvation; but, in a case like the present, it was the duty of that house and of the public to be satisfied that our resources, so painfully raised, were not thrown away by improper management. The hon. member then moved,

1. That it appears to this committee, that on the 18th of June, 1782, the House of Commons in a committee of the whole house, came, amongst others, to the following resolutions:—"That it is the opinion of this committee, that some regulations ought to be adopted, for the purpose of lessening and keeping down the balances of public money which appear to have usually been in the hands of the Treasurer of the Navy, and it would be beneficial to the public if the first and other clerks in the different branches belonging to the said office were paid by fixed and permanent salaries, in lieu of all fees, gratuities, and other perquisites whatsoever.—That it is the opinion of this committee, that from henceforward the Paymaster General of his majesty's land forces, and the Treasurer of the Navy for the time being, shall not apply any sum or sums of money imprested to them, or either of them, to any purpose of advantage or interest to themselves, either directly or indirectly. That it appears to this committee, that the commissioners appointed to examine, take, and state the public accounts of the kingdom, have, so far as appears from the Reports which they have hitherto made, discharged the duty intrusted to them with great diligence, accuracy, and ability; and if parliament shall carry into execution those plans of reform and regulation which are suggested by the matter contained in the Reports of the said commissioners, it cannot but be attended with the most beneficial consequences to the future welfare and prosperity of this kingdom."

2. That in furtherance of the intention of the House of Commons expressed in such Resolutions, his majesty, by his warrant, dated June 26, 1782, directed that the salary of the Treasurer of the Navy should be increased to the sum of 4000l. per annum, in full satisfaction of all wages and fees, and other profits and emoluments theretofore enjoyed by former Treasurers.

3. That it appears to this committee, that during the Treasurership of the right hon. Isaac Barré, the conditions of the aforesaid warrant were strictly complied with; that the whole of the money issued from the exchequer to Mr. Barré for naval services was lodged in the Bank; that it was never drawn from thence previously to its being advanced to the sub-accountants to be applied to the public service; that during the time Mr. Barré acted as treasurer and ex-treasurer he had not in his possession or custody any of the public money, and that neither he nor the paymaster of the navy did derive any profit or advantage from the use or employment thereof.

4. That the right hon. Henry Dundas, now lord viscount Melville, succeeded to the office of Treasurer of the Navy on the 19th of Aug. 1782, when a further addition was made to the salary of the said

ffice, in order to produce a net annual ncome of 4000l. after the payment of all axes and charges on the same; and that his additional salary was considered by he said lord viscount Melville as granted o him in lieu of all wages, fees, profits, nd other emoluments enjoyed by former reasurers.

5. That the said lord viscount Melville ontinued in the said office till the 10th f April, 1783: that being asked, whether e derived any advantage from the use of he public money during that period, he, n his examination before the commisioners of Naval Enquiry, declined anwering any question on that head; but hat he has, in a letter since written to the aid commissioners, and dated the 28th of March last, declared, that, previous to 1786, "he did not derive any advantage "from the use or employment of any mo"nies issued for carrying on the service of "the Navy." But Mr. Douglas, who was aymaster, being dead, and his lordship aving refused to answer any question on his head as aforesaid, no evidence has een obtained as to the application of monies issued for the service of the Navy, r the mode of drawing the same from the Bank during this period.

6. That the hon. C. Townshend, now ord Bayning, held the office of Treasurer of the Navy from the 11th April, 1783, to the 4th of Jan. 1784; and that from the examination of his lordship it appears, that, during his treasurership, no part of the money issued for the service of the navy, was applied to his private use or advantage; and that he does not believe that Mr. Douglas, who acted under him as paymaster, derived any profit or advantage from the use or employment of the public money, except the money issued for the payment of Exchequer Fees.

7. That the right hon. Henry Dundas was re-appointed Treasurer of the Navy on the 5th of Jan. 1784, and continued in the said office until the 1st of June, 1800.

8. That in the year 1785, An Act of parliament was passed, (25 Geo. III. cap. 31), intituled "An Act for better reguating the office of Treasurer of his maesty's Navy;" whereby it is directed that no money shall be issued from the treaury to the treasurers of the navy; but hat all monies issued for naval services shall be paid to the Bank on account of aval services, and placed to the account of the Treasurer of the Navy, and shall not be paid out of the Bank unless for naval services, and in pursuance of drafts signed by the treasurer, or some person or persons authorized by him, which drafts shall specify the heads of service to which such sums are to be applied, and that the regulations under the said act shall take place from the 31st of July, 1785.

9. That the execution of the said act was postponed till the month of January 1786, and from that time till the month of June 1800, when lord Melville left the office of Treasurer, contrary to the practice established in the Treasurership of the right hon. Isaac Barré, contrary to the resolutions of the House of Commons, of 18th of June, 1782, and in defiance of the provisions of the above mentioned act of the 25th Geo. III. c. 31, large sums of money were, under pretence of naval services, and by a scandalous evasion of the act, at various times, drawn from the Bank, and invested in exchequer and navy bills, lent upon the security of stock, employed in discounting private bills in purchasing Bank and East India stock, and used in various ways for the purposes of private emolument.

10. That Alexander Trotter, esq. paymaster of the Navy, was the person by whom, or in whose name, the public money was thus employed; and that in so doing he acted with the knowledge and consent of lord viscount Melville, to whom he was at the same time private agent, and for whose use or benefit he occasionally laid out from 10 to 20,000l. without considering whether he was previously in advance to his lordship, and whether such advances were made from his public or private balances.

11. That the right hon. lord viscount Melville having been privy to and connived at the withdrawing from the Bank of England, for purposes of private interest or emolument, sums issued to him as treasurer of the navy, and placed to his account in the Bank, according to the provisions of the 25th Geo. III. c. 31, has been guilty of a gross violation of the law, and a high breach of duty.

12. It further appears, that subsequent to the appointment of lord Melville as treasurer of the navy, in 1784, and during the time he held that office, large sums of money, issued for the service of the navy, were applied to other services; and that the said lord Melville, in a letter

written in answer to a precept issued by the Commissioners of Naval Enquiry, requiring an account of money received by him, or any person on his account, or by his order, from the paymaster of the navy, and also of the time when, and the persons by whom, the same were returned to the Bank or Paymaster, has declared, that he has no materials by which he could make up such an account, and that, if he had materials, he could not do it without disclosing delicate and confidential transactions of government, which his duty to the public must have restrained him from revealing.

13. That lord Melville, in applying monies issued for the service of the navy to other services, stated to have been of so delicate and confidential a nature, that in his opinion, no account can or ought to be given of them, has acted in a manner inconsistent with his duty, and incompatible with those securities which the legislature has provided for the proper application of the public money.

After the hon. gent. had read these Resolutions, he added, that he did not mean to press beyond the 11th, leaving the circumstances as to the application of the money to other services, to some future investigation.

On the question being put, on the first resolution;

The *Chancellor of the Exchequer* rose. He said, he could not but admit, that the hon. gent. had, during the former part of his speech, adhered strictly to the observance of that moderation and temper which he had promised at the outset. Towards the end, however, of his speech, he had departed altogether from the tone in which he had begun it; and in the address, with which he concluded, to the house, appeared to endeavour, by an appeal to the passions on topics not applicable to the subject in discussion, to excite an undue impression favourable to his proposition. The hon. gent. had adverted to the burthens which the exigencies of affairs had rendered necessary, and appeared to insinuate broadly, that the transaction, which was the object of his motion, had been the means not only of augmenting those burthens, but a considerable aggravation of them. It was important to have this matter investigated, as, if the fact were so, that the public burthens had been aggravated to any extent by the misconduct or malversation of any person or persons in office, there was no man in the house would deny that such practices were a fit object of accusation in that house. But that appeal to the feelings of gentlemen, and with reference to irrelevant topics, was by no means calculated to promote a just and impartial decision on the merits of the case, according to any principle of equity or fairness. Whatever opinion might be entertained respecting any part of the materials contained in the report, it was evident that it did not contain a single allegation of any mischief having arisen to the public, or of any loss having been actually sustained—(a loud and tumultuous cry of "hear! hear!" from the opposition.) This indecent attempt to prevent the freedom of speech by clamour was little suited to the dignity and solemnity of their proceedings, and he looked upon it as no good omen that the moderation professed by the hon. member in the discussion had been departed from, if those gentlemen who approved of his arguments should interrupt those who might undertake to reply to them. He was one that would not be interrupted by clamour; and he would repeat it, that such an appeal to the passions was little consistent with the professions of temper and moderation with which the hon. gent. had set out. This would be the more evident, when it was recollected also with what industry similar misrepresentations had been propagated without doors, and on subjects the most dangerous and inflammatory, for the purpose of raising a prejudice in the public mind. It had been represented abroad, though not charged to the same extent by the hon. gent. that the pay of the seamen had been delayed in the navy pay office. So far from such a circumstance having taken place, he had the satisfaction to state, that that gallant and meritorious class of men had not suffered the delay of a single day in the discharge of any of their demands. But he had not only to complain of the hon. gent. having deserted his moderation in the latter part of his speech, but also of the manner in which he had represented the transaction and stated his charge. The hon. gent. had told the house that the noble lord, and the others implicated in his charge, had had an opportunity of being tried, and informed them also of the manner in which this trial was conducted. Questions had been put to them, and they might have answered. They undoubtely had the opportunity of answering to such and such questions; but whatever might be the character of such an

terrogation, it was not a trial. What
al was there in which the party accused
s not made acquainted with the charge
ainst him, had not an opportunity of
aring the evidence to the charge, and of
oss-examining that evidence; as also of
ducing evidence in his favour? But in
trial a man was not bound to criminate
mself, and in this case that was the only
ture, whilst every other character of a
al was absent. The parties had no
owledge of the charge against them,
uld not confront nor cross-examine the
tnesses, nor were allowed to call evi-
nce in their defence, but were examined
criminate themselves by their evidence.
stated this only for the purpose of hav-
g an opportunity of adding, that it was
possible for the house to accede to the
n. gent.'s propositions, because the ma-
ials then before them were not sufficient
enable them to come to a fair, impar-
l, and final decision on the merits of
case. He admitted that the contents
the report were of a grave and serious
ture, and that it was important to have
fully investigated; and he was ready also
allow that, with reference to any in-
nce of irregularity, it was the duty of
house to set their mark upon the trans-
tion, after a full and fair consideration
all the circumstances of the case. But
the case of the present Report, he con-
ded that there were not sufficient ma-
ials, to justify the house in a vote of
nsure, or to enable them to determine
w far it might be necessary to follow it
with further proceedings. He contend-
therefore, from the documents on the
le, that further explanation would be
cessary, before the house could be justi-
in expressing any opinion on the
rits, or to state what lengths they should
ceed. If he had not entertained that
nion before he came to the house, the
uments of the hon. gent. founded not
the report, but on a statement of num-
s which he had found in the appendix,
calculations taken from intricate and
icult accounts, would have excited it
him. He had also observed, that the
. gent. had gradually changed the
unds of his charge, which he had nar-
ed at last to an intention to take the
se of the house on one particular point.
hon. member had divided his charge
irst into three heads, which he then re-
ed to two, and at present he proposed
onfine himself to one of them, reserving the second for future crimination; and in urging this charge the hon. gent. had stated, that though it formed but one of the several heads of charge, it was impossible for the house to form a judgment upon it without considering the whole case. He had at the conclusion of his speech left out altogether the suspicion which he had so strongly urged in the preceding parts, of the participation of the noble lord in the profits that had accrued from the application of the public money to private speculations. With regard to this suspicion, if the hon. gent. thought that it was borne out by the Report, he ought not to have brought it forward with a view to giving a complexion to other matters of charge, but be made a separate ground of crimination. It was impossible that it should not be revolting to the feelings of every person connected with the noble lord, either by blood or by friendship, to have such a charge brought against him in such a way. For his own part, he was desirous that the house should look at the whole of the case, in all its circumstances and bearings, and then do, without delay, whatever the interest of the public, a just sense of their own duty, and the nature of the case may require. For this purpose, he thought the best course to pursue would be to refer the Report to a select committee, inasmuch as there were many points contained in it which required further explanation. The committee might be appointed previous to the recess, so as to proceed in the business without delay, and to be able, a short time after the holidays, to make their report to the house, upon which they might come to a decision on the whole case, according to the dictates of impartial justice, and a scrupulous regard to their duty. The hon. gent. had dwelt with much earnestness on the application of certain sums for the accommodation of other branches of the public service; but in his own view of the question, the house was not in a situation to decide upon that transaction. Did the hon. gent. mean to say, that in judging of this transaction, the house was not to take into its consideration the motives, the circumstances, and the necessity of the transaction? Was the house, knowing only the bare fact, that the application of the money in such a manner was a violation of the law, to decide upon its merits without taking into consideration whether any loss had arisen from it? Whether the motives were justi-

-fiable, wanton, or necessary; whether the circumstances were such as to warrant a departure from the letter of the law, and what was the magnitude of the transaction? It would not be necessary for him to argue the propriety of permitting such a latitude with Englishmen, or with persons of liberal and enlightened minds, for he was confident that all such would agree with him, that cases might occur when the circumstances under which such a transaction might take place would make it meritorious in the public officer to incur the heavy responsibility. This he stated, with a view to the stress that had been laid on the application of a particular sum to a different service from that for which it had been voted. There was an allegation in the Report on this head, and the hon. gent. had stated a particular sum as having been advanced in this way, and was afterwards repaid by his right hon. friend (Mr. Long). He had himself been a party to that transaction, and he should be ashamed to address the house on the subject if he could not explain the matter, as far as related to the share he had had in the business, to their entire satisfaction; so that however illegal the application might have been in the first instance, and he was ready to take that for granted, it would appear to have arisen from considerations of public interest, and to have been transferred from the service for which it had been voted only for a time, and, without either any inconvenience or loss, replaced afterwards. It was impossible to disclose the circumstances under which it had been applied; but if the house would consent to appoint the committee, he should produce the most convincing statements, so far, at least, as he was concerned. The whole sum particularized amounted to 100,000l. out of which two different sums of 40,000l. each had been drawn with his privity, under circumstances which he could fully justify to the house; and as these sums made the much greater part of the whole sum specified, there was every reason to think that the whole had been applied in a manner equally justifiable. The noble lord had, at that time, other high official situations, and might have had occasion, and could, without his privity, have applied sums occasionally to a different service from that for which they had been voted, with a view to the public interest; and though he was not in possession of the circumstances, he had no doubt that the noble lord could satisfactorily account for the transaction. As to the other part of the hon. gent.'s charge that lord Melville had connived at the Paymaster of the Navy keeping the public money in his hands, and applying it to purposes of private profit, he confessed that this appeared to him a fit object of attention, when they should come to consider the question in the whole of its bearings. He was prepared to admit that the conniving at such conduct in a paymaster of the navy was not justifiable, but thought nevertheless, that much would depend on the circumstances, the extent, and the danger that had been incurred. He maintained that the commissioners had not stated that the issue had been greater than the service required; and he insisted that from their report it was evident that they believed that to be the case. It was also agreed to by them, that the money had not been applied so as not to be ready to satisfy any demand or sudden emergency and they had not even insinuated that any effect had been produced in the increase of expence, or the aggravation or augmentation of additional burthens; nor had they attempted to charge that any demand of any individual had been a single moment retarded. As to this application of the money to private purposes of profit, i did not appear that lord Melville had been aware of it; the hon. gent. however had dwelt much on this circumstance founding his observations on the intricate accounts of the commissioners, by which it appeared that he had not considered the matter in detail. The hon. gent. had said much of the risk that had been incurred; and he was not disposed to deny that if the danger had been great, the practice was unjustifiable; but the circumstance that no loss had been sustained, was a strong ground of presumption that no great hazard had been incurred, and again, a more favourable circumstance was that no payment had been delayed. Under all these circumstances, as there were many points in the matter of the Report which required considerable further explanation and elucidation, the house would, he trusted, be persuaded of the expediency of the course he had proposed; and when the variety of the matter of which the Report was composed was taken into consideration, it would be admitted to be the duty of any member to point out any error or inaccuracy that he

ght discover. The commissioners had
ted, that various sums had come into
bank of Messrs. Coutts, which had not
en procured by draft on the bank, and
ey had supposed that these consisted of
ms for other services in transitu, applied
this way. One million had been parti-
larly specified. But that million had
en brought directly from the bank to
e house of Messrs. Coutts, by one of the
rms of draft prescribed by the statute,
d the whole of it had been issued thence,
the course of a few days, to take up
vy bills then due. So that this was one
stance of an error, on which they had
sted much, and which being capable of
ing thus satisfactorily explained, proved
e necessity of further investigation. The
ms that had been vested in Messrs.
outts had been neither lodged there for
e benefit of the treasurer of the navy or
the navy paymaster, but in the course
business; and this was another error
the Report; for the same practice pre-
iled at present of drawing in gross for
e multiplicity of small payments, instead
drawing all the small sums in detail.
he act of parliament directed no such
afts for small sums, but for sufficient
ms to enable the paymaster, from day
day, to issue the necessary sums to the
b-accountants, so that the balances in
and appeared not to contravene the law,
ut to be in direct conformity with it,
ad necessary for the management of the
usiness of the office. The question, there-
re, was, whether more had been issued
an was necessary, and whether an expence
the public had been the consequence? The
ouse was aware that no money was is-
ued to the treasurer of the navy, but on
emorial from the different boards, and
at consequently the treasurer could have
o power of increasing the issue to him.
he right hon. gent. here described the
peration by which the treasurer of the
avy drew money from the bank, and
roved thence that it was not in his power
n any occasion, or under any circum-
tances, to draw for more than the oc-
asions of the different boards required.
here was no ground, therefore, in reason
r the supposition apparently entertained
y the commissioners, that the treasurer
ad such a power, neither was there any
oundation for it in fact. It was important
o see what they had stated as to the
act; and this would afford another reason
r instituting the inquiry he proposed.
The balances in the hands of the paymaster were for two purposes, to advance from day to day to the sub-accountants, and to have the means of satisfying assignments, outstanding to a considerable amount, for which the parties had a right to demand immediate payment. The hon. gent. could have no difficulty in admitting that the transaction, so far as these assignments went, was solely between the commissioners and the individuals; and it appeared that the sums in the hands of the paymaster and sub-accountants, in any year, had not exceeded the amount of these assignments. The commissioners had stated, that the balances ought not to exist at all, and yet that balances in the hands of the treasurer in one year had amounted to 40,000l. and in another to 33,000l.; this was very material to have investigated. The commissioners had examined a very intelligent gentleman, a clerk in one of the offices, as to the number of days for which a paymaster should have a supply in his hands, and the result of his examination fixed the number at fourteen or fifteen; the commissioners were of opinion themselves, that ten were sufficient, so that the number of days necessary in advance was between ten and fourteen. In the next place, the commissioners had divided the time during which lord Melville had been in office into two periods in making the average, instead of making the average for the whole of the time of his being in office. The first period they calculate up to 1796, the next to 1800; so that they had not given the average on the whole, nor distinctly in the separate periods. They calculated the balances on the first period at 45 average, and the last at 33, but they had taken the amount of the gross balances without deducting the assignments. When the commissioners had stated ten days as the number that ought to be in advance in the paymaster's hands, they calculated it exclusive of the out-ports; and if the money at the out-ports were to be deducted, the balances would be in the first or most favourable period, an average of seventeen days, and in the latter period an average of eight days; and on the whole period the average was but fourteen or fifteen, only five more than the commissioners had thought necessary, and nearly the same number that the clerk had stated in his examination. Now if it should turn out that this state-

ment was correct, he could not admit a doubt that it would be sufficient to determine the house to examine more narrowly and minutely into the matter and allegations of the report before they would ground upon it either censure or disapprobation. There were four different errors in the single statement, and these proved unanswerably the necessity of a fuller investigation. It was only by adopting such a course that they would be enabled to do what was right for the public, and at the same time fair for the individual. As the supposition of participation on the part of his lordship in the profits arising from the use of the public money formed no part of the charge, but was glanced at as matter of suspicion only, it was wholly unnecessary for him to advert to it, particularly as that was to be made the ground of further investigation. He had hoped, after the declaration that had been made by the noble lord in his communication to the commissioners laid before the house, which he had stated himself ready to verify with the sanction of a solemn oath, that he should have heard no more of suspicion. The hon. gent. had observed, that the ground upon which the noble lord had declined answering, had been well understood; but the noble lord by his letter had declared, that his refusal to answer had arisen solely in consequence of the way in which Mr. Trotter had kept his accounts, and because he could not possibly know whether Mr. Trotter might not have made advances to him out of the public money.—The hon. gent. had adverted to the sum of 100,000l. paid to lord Melville's account, during the whole period that he was in office, and until the whole of lord Melville's account with Mr. Trotter should be made up, it was impossible to decide upon that fact. The house should look into those accounts which were loose and difficult, before it could pronounce whether any advances from the public money had been made to his lordship. If the investigation should be proceeded with, he was convinced, that many sums stated to have been paid in the name of lord Melville, would appear to have been applied to official purposes; how far that was the case it was not for him to anticipate then, before the inquiry should be instituted. The house would determine for itself when the investigation should take place. Before they could judge whether any sums of public money had been so advanced, they should see the credit account of lord Melville, they should also see the different sums paid in by Mr. Trotter for lord Melville, on account of his salary as treasurer of the Navy, as also on account of his unappropriated salary as keeper of the signet in Scotland, and for dividends in the funds. Would gentlemen under these circumstances give way to surmises? Would they think it strange that lord Melville, knowing that he had no contract with Mr. Trotter, no participation with, and knowing also the unfortunate way in which Mr. Trotter kept his accounts, had declined answering until he had ascertained the state of these accounts? And if it should appear even that a few thousands had been by inadvertence so advanced, could any gent. suppose that that would have been any object to a noble lord in a high and distinguished office of trust and honour? He would not think it possible for a liberal and enlightened mind, for even common sense, to entertain such an opinion. If so, then he contended, that the materials before the house were insufficient to form a final judgment, and that a further investigation was absolutely necessary, and that such investigation could not be conducted in the house, but in a select committee, which could be managed without much delay. With these sentiments, he felt it unnecessary and improper to say more on the subject. He should therefore move, as an amendment, "that the Tenth Report of the commissioners of Naval Enquiry be referred to a select committee of this house, to examine the matter thereof, and report the same to the house."

Mr. *Fox* expressed a wish that the right hon. gent. had moved the previous question, rather than the amendment he now proposed. If this amendment were carried, the original motion would not appear on the Journals of the house, whereas if the previous question had been carried it would still appear.

The *Chancellor of the Exchequer* had no wish to prevent the motion from appearing on the journals, and should therefore consent, instead of the amendment he had proposed, to move the previous question, it being however understood, that should that be carried, he should then move for the committee he had mentioned.—The speaker then proceeded to put the previous question. Upon which,

ord *Henry Petty* rose and said, that al-
gh he trusted that others, more able to
ow the right hon. gent. than himself,
ld reply to the speech they had just now
rd, he was desirous of taking this early
ortunity of stating the reasons for which
hould vote for the original motion, in
erence to the mode recommended by
right hon. gent.; but he must, in the
place, observe, that if he objected to the
osition of the right hon. gent. for a select
mittee, it was not because he thought
an inquiry unnecessary, but because
hought it would be better timed after the
lutions of his hon. friend had been car-
: after the opinion of the house was re-
led on the matter that was clearly proved,
they might proceed to an investigation
hat which still remained obscure. He
never heard the right hon. gent. with
e surprise, than when he had accused
hon. friend of travelling out of the road
acts, to inflame the passions of the house,
ough the resolutions were composed en-
y of facts, and the speech principally of
uctions from facts. Another accusation
nst his hon. friend was one which might
hought not very consistent with inflam-
passion, that he had loaded his speech
a complication of figures, But if his
. friend had travelled out of the road of
s, had not the right hon. gent. in his
v of the case, omitted facts, and those
most essential, on which the whole
ngth of the question rested? Had he
forgot that lord Melville had, by his
confession, proved that money had,
his knowledge, been drawn from the
k and placed at a private banker's? Had
ot forgot, that lord Melville himself ad-
ted, that he applied to other services,
ey issued for the service of the navy?
he not forgot, that lord Melville had
d himself unable to deny, that he had
nived at his paymasters reaping private
illegal profit from the use of public
s? Was this complication of figures?
re they not, on the contrary, plain and
ortant facts, which no subsequent in-
y could do away, no other evidence or
nination of evidence could shake or in-
date; unless, indeed, that could be be-
ed of lord Melville, which, even after
hat had passed, would hardly be imputed
im, that he would wantonly forswear
self, and declare that to be false before
tribunal which he had declared to be
before another.—The right hon. gent.
endeavoured to extenuate the guilt of the noble viscount, by stating, that the public had suffered no loss. He could neither admit the argument nor the inference to be founded. If no loss had been suffered, a great risque of loss had been incurred. But the right hon. gent. contended, that no loss from anticipation could have taken place, because the forms of office rendered it impossible that money should be drawn for before it was wanted. He would not pretend to follow the right hon. gent. through the forms of office, with which he was so much better acquainted, but he would put this dilemma to him: if money could not be obtained till it was due for navy services, how was the money obtained with which other departments had been accommodated by the treasurer of the navy, which the right hon. gent. admitted in another part of his speech, and was willing to proclaim, that a part of them had passed through his own hands? Why, then, it was plain, that either by some means or other, money could be drawn by the paymaster of the navy, before it was wanted for navy services, or the navy service must itself have been left in distress for want of its necessary supply, which would only be an aggravation of guilt. Thus means were discovered to procure money before it was called for; and this path once entered upon, let the house consider to what length it might be carried. But it was contended, that the speculations in which the money was employed, had at least been successful. For this it was not impossible to account. Let it be remembered, how the persons were situated who were thus connected together. Mr. Mark Sprott, the broker, confidentially employed by Mr. Trotter, the paymaster; Mr. Trotter, the paymaster, confidentially employed by lord Melville; and lord Melville confidentially employed for the public. He had heard of jacobin combinations, and other combinations; but it would be difficult to imagine a combination more detrimental to the public, than that of these three persons, which touched the cabinet on one side and the stocks on the other. What changes of fortune, what convulsions in finance, was it not capable of effecting! But that which he thought would alone afford ground for the house to proceed immediately, was the systematic deception practised by lord Melville, by which he eluded any inquiry that was instituted into his office, and most especially his declarations to the committee of finance. To that committee the right hon. person who was at the head of it, and now so honorably filled the chair

of this house, might recollect, that he had stated, that by the institution of the accountant's branch, all the old arrears would be brought up, and a prompt mode of settling established for the future. But did he tell them, that as soon as the accountant had settled the balances of the other ex-treasurers, when he came to those of the right hon. Henry Dundas, he was to be withdrawn, and employed in other business? Did he tell them, that a period of 7 years would be allowed to elapse, between the final settlement of the accounts immediately preceding, and any attempt to investigate those of his own treasurership? But he had gone still further. He had positively affirmed to the committee of finance, that by the regulations he had introduced, the intention of the beneficial acts that had been passed was carried into full effect; although at the time he made this affirmation he must have known, that the principal, and avowed object and purpose of the acts in question, that of transferring the custody of the public money from the treasurer of the navy to the bank, was at that moment directly and grossly violated, and that not accidentally for a particular occasion, but had been so, systematically and constantly, for a period of 10 years. Did not such wanton misrepresentation call for an immediate expression of the indignation of the house? He was at a loss to conceive, where the difference could be seen between this case, and that of any private gentleman with his agent or steward. Let it be supposed that Mr. Mark Sprott, in answer to any inquiries that might have been made by Mr. Trotter, had told him, that he was not quite certain whether he did not sometimes vest money of Mr. Trotter's in his own name, that he might occasionally have placed some of the interest, when he received it, to his own account: could any one imagine, that after such an answer Mr. Sprott would long have remained broker to lord Melville or Mr. Trotter? But, perhaps, Mr. Sprott might have said, that he did it unintentionally, and that it was the necessary result of the manner in which he kept his accounts. Some one might exclaim: what broker on the exchange would keep his accounts in such a manner! To this he would answer: what treasurer of the navy of Great-Britain would keep his accounts in such a manner; and had not the people of England, who paid the public servants largely and liberally, and in no instance, perhaps, more largely and liberally than in that of the office now before the house, had not they a right to t
served with as much accuracy, and as muc
fidelity, as any gentleman who employs
broker on the stock-exchange? It was im
possible for the house to recognize innocenc
when guilt was professed. When he con
sidered the examination of lord Melvill
the letter of lord Melville to the commi
sioners, and most of all, the extraordinar
letter which had been addressed to the
subsequent to the report, he was reminde
of Cicero's address to Piso, when after enu
merating the various proofs of his miscon
duct, he breaks off, and exclaims, "Qu
te miserior? Quis te damnatior. Qui ne
que scribere ad senatum de te rempublica
bene esse gestam, neque præsens dicere aus
es."—If when lord Melville first introduce
his bill in 1785, such member of this hou
had arisen, and addressing his lordship wi
something of a prophetic spirit, had sai
"I oppose your bill, and the resolution
the house on which it is founded; but you
labour is vain, your scheme is useless, f
2 years will not have past, before there w
be found a treasurer of the navy, who w
wantonly and successfully violate the bi
and that treasurer will be yourself:" wi
what apparently just indignation would t
noble lord have repelled so foul an assertio
upon his character? Yet such was the ca
But what should we say, if such a perso
had carried his conjectures further, thoug
it was to be hoped with a spirit less pr
phetic, and said, "still more useless is yo
plan, still more vain is your labour; becaus
when this violation of law, after having bee
systematically carried on for 14 years, duri
which the public expenditure will ha
doubled or tripled in its amount, shall
last, by a happy coincidence of circum
stances come to be discovered, there will
found another house of commons, so di
ferent from that in which we sit, so indi
ferent to the care of the public purse, a
so lost to every feeling of public duty, th
they will turn away from the discovery, a
readily embrace any pretence that is o
fered to them, to avoid pronouncing
opinion on an act so gross, so flagrant,
unjustifiable." This last conjecture,
trusted, would not receive the same co
firmation with the former. It would
fortunate, indeed, for the country, had th
commission never been appointed, and the
abuses never been discovered, if the resu
was to be, that these reports were to lay
dead letter on the table, to prove and
proclaim, that although there might exist

s country a minister virtuous enough to stitute inquiry, although there might be nd persons honest and assiduous in con- cting it, there was after and behind all is, a power able and willing to interpose tween justice and its object, to step in be- een the law and the offender against the v, and thereby to establish at once the st fatal and the most shameful of all pre- dents, that of guilt known and acknow- lged but not censured, of a breach of the v ascertained but not punished. He trust- , that the event of this night would teach ery different lesson to the world; that it uld shew, that whatever difference might ist amongst us, if indeed there did exist y, on the principles of government, or on e application of those principles to public easures, yet when such questions as these me to be determined, whether the law ould or should not be observed, whether e public expenditure should be watched, should pass unexamined and uncontrolled, ere was to be found but one voice, one inion, and one cause: the cause of men of descriptions, who pretend to any sort of inciple, in opposition to those who either not profess any, or what is as dangerous, not as bad, who think none essential to e honour, the safety, and the existence of e country.

The *Attorney General* said, that nothing d fallen from his right hon. friend to pre- nt the judgment of the house from being ken on the matter in question. The hon. over had thought proper to call upon per- ns of different classes for their opinion and pport that night. He had called on all ose who were in office, and on those who ired to it. The noble lord might be ssed in the latter description, and he uld appeal to him whether he did not feel t parliament ought not to judge upon the nduct of a public officer, without having fullest information on the subject of the arge made against him? How would he l should such ever be his own situation? was called a plain violation of law, l a simple matter of fact: but was it not remely material to ascertain the real cir- nstances attending that transaction in a nmittee of the house? Respecting the ersion of public money to other branches the public service, it was material that it uld not be considered in piece-meal, but en on the whole, and if ever there was a e which demanded such investigation it this, in which gentlemen took so much ns to heap together every possible accusation. The house must, therefore, feel it absolutely necessary, before they proceeded farther, in order to see the true character and colour of the transactions, to enter into a farther examination.

Mr. *Tierney* complimented his noble friend. It was a matter of pride to any man to be allowed to call himself the friend of such rising talents and eloquence. He agreed with him that nothing was more fit than to appoint a committee after the first point should be agreed upon, a committee in which all that related to accounts and calculations might be sifted and made clear. The transfer of money from one service to another was also matter for a committee, but what was to be done with the remainder of the tenth report? Did lord Melville ask for further delay, saying he had evidence sufficient for his acquittal? Did Mr. Trotter say any thing to that effect? But the people of England looked to this night for the opinion of their representatives on this important case. He would ask the right hon. gent. how long it was since the expedient of a reference to a committee occurred to him? The right hon. gent. was anxious for the production of lord Melville's letter, and still more, that the public mind should be set at rest on this point before the Easter recess. Why send to a committee that which no committee of that house could throw any fresh light upon? Could any man in that house lay his hand to his heart, and say he could controvert those propositions? Would any evidence disprove that money had been drawn from the bank contrary to law? Would Mr. Sprott say now what he would not say before? Would he be open-mouthed when not on his oath, and close when sworn? No farther explanation could be given. He then reminded the house of the report of the committee on the late sheriffs of Middlesex, when the committee made their report, which was received as full evidence, and counsel were allowed to speak merely as a supplementary explanation. Would any man in being, he asked, say that lord Melville, Mr. Trotter, or Mr. Mark Sprott, by an after examination of the facts, could add any thing for the satisfaction of the house? His right hon. and learned friend had gone over the whole of the case, and pressed the necessity of a select committee; but the commissioners of naval inquiry had been occupied for 6 months in no other business than that of investigating the matters of the tenth report. What utility could it then be of, to go into a new committee? he wished to see what reason could be urged for it. The right hon. gent. appeared anxious to know the extent of the deficiencies, not for the purposes of criminating, but for the purposes of refunding, as appeared from his enumeration of the several sums paid and received. The money was not kept in the bank; no, says the right hon. gent., it was lodged at Messrs. Coutts, to save trouble: a clerk of the navy office takes a cheque for a large amount, receives the value at the bank of England, passes Somerset-house, and carries it down to Messrs. Coutts. This was the convenience. He did not want any further illustration of the fallacy of the pretence.—One point more he begged leave to advert to. While he had the honour of holding the office of treasurer of the navy, no inconvenience whatever arose from a strict adherence to the act of parliament, which was one of the most salutary and useful ever framed, nor could he see how it was possible Mr. Trotter could see any thing in the act which could leave the least doubt upon his mind of the true spirit and meaning of it.—With respect to the participation of the emoluments by lord Melville, with Mr. Trotter, there did not remain a doubt upon his mind on that part of the case. Was it possible for lord Melville to go on as he did, for 12 years, merely for the advantage of Mr. Trotter? he could not be blind to the rising prosperity of Mr. Trotter; he knew he originally had nothing; and this alone should have been sufficient to rouse his jealousy. The accommodation of 10,000l. of 20,000l., and various other considerable sums, left not a shadow of doubt upon the subject; and it fully appeared his lordship had gone on systematically for 12 years together. He hoped it could not be said he was actuated by any peevish motive to lord Melville in giving his vote in support of the resolutions that night. Nothing would satisfy the country but meeting the question fairly, broadly, distinctly, and without delay. The public understood the question as well as those who made speeches for his lordship; but what defence could the house make to the public, if they delayed or passed by the consideration of such transactions? As to impeding sailors' wages by these speculations, he wished to state it publicly, from having been in the office himself, that such a report, which he hoped had not been made, was groundless, as the thing was impossible. But he must add, that in such a war as this, the loss of public confidence, and of the respect the people pay to high authority, would be the worst blow that could be inflicted on this country. He would be the last man to proceed harshly against lord Melville or Mr. Trotter, but they did not ask to be heard by counsel, or pray for any delay. Their friends allowed they could not ask for an acquittal upon the tenth report: and, therefore, why go out of the way and delay the business for 3 or 4 months? The house of commons would only incur odium by such a step. Shew him the law was not violated, or he would not consent to a moment's delay. This was an odd way of treating the parliamentary commissioners. The right hon. gent. had said there was no regular trial, and had described all the forms of a trial. In this case the witnesses were the accounts of the persons accused, and the parties were called upon, and had every opportunity given them; "Can you make out the answer in June?" "No."—"Can you do it in July?" "No." "Have you any thing to say or to shew in your favour?" "Nothing." The trial was as fair as the nature of the transaction admitted. What more trial could they have before the committee of the house? Was this sort of language used respecting the report of the commissioners of accounts? As to the errors the right hon. gent. had endeavoured to shew in the report, they furnished no argument of weight against the commissioners, since the very documents on which the right hon. gent. reasoned were furnished by the commissioners themselves. It was his pride that he had been a member of the last administration, to which that commission of inquiry was owing; and he called on all those gentlemen who supported that administration, particularly in that measure, to come forward now and support the commissioners in the hour of their need.—When the right hon. gent had concluded, the Master of the Rolls and Mr. Canning rose at the same time, but Mr. Canning first caught the eye of the speaker.

Mr. *Canning* said, that on any other occasion he should undoubtedly have given way to his hon. and learned friend, but after the speech he had just heard from the high authority of the hon gent. whom he had succeeded in the office he now held, and considering that the present question related peculiarly to that department of administration which he was most intimately connected with, he felt particularly anxious to deliver his sentiments on this occasion. He observed that the house, in its usual love of justice, would give an opportunity to ire, whether the whole of the charge exhibited against the noble lord might be done away, or was capable of being e away ? and if they thought so they ld not possibly vote for the motion pro- ed by the hon. gent. But what was the rnative ? That the house should come final determination on the subject, by ich all possibility of explanation would excluded. Now, upon that subject he ld not help saying, that the mode pro- ed by his right hon. friend was the true to answer the purposes of justice, by ituting an inquiry, with all the circum- nces of the case on both sides, which herto had not been done. But the right gent. who spoke last had stated to the use, that the mode proposed by the origi- motion was recommended by a late pre- ent in the proceedings of the house on subject of the Middlesex election ; in t case the house had decided that it would proceed in the examination of evidence he bar, but took up the case on the re- t of a committee, and adopted its state- nt upon the ground that the evidence ich was adduced before the committee s upon oath, and that which was to be rd at the bar must be without oath—that case was the same here, for that the evi- ice before the committee of naval inquiry s upon oath, but if the house heard any ther evidence upon that subject, they st take it without that sanction. Now, gging pardon of that right hon. gent., the cases had no common nature, or indeed resemblance to each other. The deci- n on the late case of the Middlesex elec- n, in which the house had adopted the ort of the committee, and concluded upon without hearing further evidence, did not n on the point of difference between evi- ice upon oath and that which was taken hout that sanction ; but upon the princi- , that the parties charged with miscon- ct had been fully heard, had been allowed the forms, and what was much better n all forms, the substance of a fair trial ; y were called upon to answer ; they knew charge, had heard all the evidence in port of it, had actually cross-examined t evidence, and were heard by counsel as the effect of that evidence, and it ap- red, upon full investigation of the case, t the party had nothing to say in answer he charge ; they were found guilty, be- se their guilt was fully substantiated, er they had been fully heard. But the pre- t was the reverse of that case, for here the party had not been heard, and all that was now asked was a full hearing. And here he would put it to the house, and, indeed, to the gentlemen opposite to him, whether it was fair to call on the house to convict the party without a hearing, which had not yet been had ? and what would bring the point more distinctly before the minds of those whom he had now the honour of addressing was this, that no part of the case now before the house on this report was matter originally intended by the course of examination taken by the committee, but it came out incidentally, and it was no part of the object of the committee to try the noble lord who was the object of the present motion for any thing, and therefore it was, from the nature of things, absolutely impossible that he should have had a fair trial, since he had indeed hitherto had no trial. But the right hon. gent. who spoke last had observed, that in former times a committee, on the model of which this was formed, had made many wise regulations, and that the act which was now the subject of the consideration of the house of commons passed without further investigation than that of a perusal of the report of the committee on which it was founded. This might be, but he believed the right hon. gent. could not shew him any regulation of parliament by which any individual had been condemned, without having had an opportunity of defending himself. And here the case was most singularly hard, for it was the case of an individual knowing for the first time from the report, now said to be conclusive, what was the nature of the charge which was exhibited against him. He was speaking now of lord Melville, for he understood that noble lord was the only person against whom gentlemen on the other side of the house were pressing. From these complicated accounts, thus brought without notice to his lordship, before the committee, the guilt of that noble lord was to be inferred ; and he was said to have had a fair trial ! and the house was called upon to confirm that assertion, without its having at all investigated the case ! This application to the house was repugnant to the principles of justice.—But then the right hon. gent. stated, that an act of parliament had in this case been violated by the application of public money to other uses than those specified by the act. Now he ventured to say, the violation of the act of parliament was a point by no means so clear as some gentlemen affected to state it ; but on the contrary he believed that doubts might be very reasonably entertained upon that subject. Here he wished to guard against being misunderstood. When he said that the act was not so clear upon this point as it seemed to be conceived by some gentlemen, he was not thereby to be regarded as the champion of illegal defiance to the rules of law, or an imitator of such a practice. He knew that laws even if unwise, must be obeyed, while they were in full force. But the question was, whether the party here said to be guilty of a breach of the law, knew that he was really causing to be applied the public money to the private use of individuals? Now, considering the law as attentively as he was able, he denied that either the letter, or the spirit of it, prohibited the drawing of money out of the Bank in the manner contended for by gentlemen on the other side of the house. He was confident that the spirit of the act could not be so, because it could never have been the intention of any law to throw insurmountable obstacles in the way of public business; and he contended that the strict letter of the act could not be so construed; for, in many cases, a compliance with an act, so construed, would be physically impossible. In the course of 26 days the amount of the sums to be paid to claimants on the navy was 6,400l.; 3,500l. of which was made up of sums under 20l. A great multitude of the items were from 8s. 6d. to 1l. 8s. He wished gentlemen to turn this in their minds —whether all these sums could be paid by drafts immediately given to the claimants to receive the money at the Bank? And if this were so, he wished gentlemen, who maintained the affirmative of that proposition, to shew him the clause in the act by which it was supported; and when they had done so, they would have proved that every person who held the office of paymaster of the navy since the passing of the act had been guilty of an infraction of it. After all, if the law was so, the breach of it was of course not to be justified; but then came the question of the degree of impropriety of the conduct of the individual, and much of that depended upon the question of—whether he did it knowingly and unnecessarily? To pursue the idea of convenience in transacting public business of this kind a little further, he would observe, there were now 6,800 ships books for payment, and in the course of the last three weeks payment had been made upon 40 ships books, and they abounded with items of 14s., 12s., and 15s. 9d. Now he would ask, whether it was to be contended by any gent. in that house, with any regard to practicability in the dispatch of business, that every one of these items should be paid by a distinct specific draft upon the Bank given to the claimant? If not, then there was an end of the argument upon the dry point of the illegality of drawing money out of the Bank for any but a specified purpose for the use of the navy! Thus the argument upon the illegality of the practice fell to the ground. Then the question of strictness of law being at an end, the rest was a question of degree, or extent to which the practice had been carried, and that, like every others must be governed by that which was reasonable; for he did not say that it might with impunity be carried to a blameable extent, or be endlessly followed up. It would be always just to mark it with censure whenever it was done unnecessarily. But he said it was not a question of mere law, as gentlemen on the other side of the house took it, but a question of degree. That was to be determined upon the circumstances, and the house should judge, or rather a committee should judge, how far it was necessary or unnecessary, and which the house possessed the power of deciding after a proper inquiry had been had into all the circumstances of the case, but no such proceeding had hitherto taken place. The diversion of the public money, which was another topic brought forward, was very fit for inquiry. As to the charge, or rather an imputation, founded upon an inference, against the noble lord that he had some participation of the benefit arising from the use of the public money while employed for the advantage of private individuals, that was a subject fit for inquiry, but to decide which, the house, at present, had no materials; and upon the question of the extent to which the public money had been drawn out from the Bank; and here he must advert to a part of the report of the committee of 1782, which had escaped the notice of the hon. gent. who brought forward the motion, which was to the following effect: "we consider that this excess is not money for which the treasurer is accountable to the public, but belonging to the proprietors of these bills, and remaining in his hands at their risk, until they apply to him for payment." Now, he said, if this doctrine be correct, the whole money in the hands of the treasurer was not that for which he was responsible to the public, but to the individual to which these sums belonged, and if they had received

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he believed that doubts might be very reasonably entertained upon that subject. Here he wished to guard against being misunderstood. When he said that the act was not so clear upon this point as it seemed to be conceived by some gentlemen, he was not thereby to be regarded as the champion of illegal defiance to the rules of law, or an imitator of such a practice. He knew that laws even if unwise, must be obeyed, while they were in full force. But the question was, whether the party here said to be guilty of a breach of the law, knew that he was really causing to be applied the public money to the private use of individuals? Now, considering the law as attentively as he was able, he denied that either the letter, or the spirit of it, prohibited the drawing of money out of the Bank in the manner contended for by gentlemen on the other side of the house. He was confident that the spirit of the act could not be so, because it could never have been the intention of any law to throw insurmountable obstacles in the way of public business; and he contended that the strict letter of the act could not be so construed; for, in many cases, a compliance with an act, so construed, would be physically impossible. In the course of 26 days the amount of the sums to be paid to claimants on the navy was 6,400l.; 3,500l. of which was made up of sums under 20l. A great multitude of the items were from 8s. 6d. to 1l. 8s. He wished gentlemen to turn this in their minds—whether all these sums could be paid by drafts immediately given to the claimants to receive the money at the Bank? 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Now, he said, if this doctrine be correct, the whole money in the hands of the treasurer was not that for which he was responsible to the public, but to the individual to which these sums belonged, and if they had received their money upon application, there had been no breach of the act of parliament, and the house would find, upon inquiry, that what he had stated hypothetically was the fact.—He maintained that the deficiency stated in page 128 of the Report was incorrectly stated as to the amount of it. He did not say that the mode stated on the other side was the proper mode of keeping the money of the public; but what he contended was, that the case was not that case of aggravation which was contended for on the other side. It was, however, a matter which he did not ask gentlemen to take on his statement, but leave it for inquiry; for that he believed it would turn out that the violation of the act of parliament in this respect, so much insisted upon, was in a great measure imaginary.—He now came to the great point, which was, the imputation to the noble lord that he had participated in the use of the public money. This was not made as a distinct charge, only it was thrown out, or insinuated as a matter of inference. Now, he would put it to the conscience of the hon. gent., who brought forward this motion, and to use language already uttered in the course of this debate, to lay his hand upon his heart, and ask himself, whether he could believe that out of the monies which had been drawn out of the Bank, the noble lord had really any participation in the profits of using for private purposes? And whether he believed that a vote, carried to the extent of that now proposed, in deference, as that hon. gent. might think, to the public opinion, would not be to confirm such opinion to its full extent? He would ask whether that was fair? Whether the carrying the motion now before the house, would not be to impress upon the minds of the public an idea that lord Melville had been found guilty by the house of commons of foul and corrupt malversation? (A cry of hear! hear! from the opposite side.) If gentlemen really thought so, they were right in pressing the motion; but he was at a loss to find out upon what foundation such a conclusion could be drawn from the premises before the house; for the case could not, even on the face of the report, before the other side was heard, amount to any thing more than a case of suspicion. He would then ask the hon. gent. what he would think of the hardship of that case, if hereafter it should appear as he believed it would, that the suspicion was without foundation?—He then proceeded to observe on that part of the report of the commissioners, in which they disapprove of the manner in which the accountants' branch, consisting of a principal and eight clerks having been established by order of council in Aug. 1786, for the express purpose of bringing up the old, and keeping up the new accounts; and they were surprised this had not been done, but that the clerks had been employed in the current business of the pay-office; and on which the committee said, this was a false economy. He admitted that no economy was more pitiful than that of starving the public service by a paucity of clerks in public offices; but there was an erroneous conception on this subject. 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Now he should go farther. He would undertake to explain it satisfactorily. The fact then was, that this million was not the whole sum drawn that day. He begged the house not to be startled when he stated how the case was. The fact was, it was part of a sum of 2½ millions drawn upon the same day, viz. the 10th of April. Of this due intimation was given in the Gazette by the commissioners of the navy and victualling office, stating, that the treasurer of the navy had that day received money for the services of these departments for 6 months, and giving the creditors an option of money or bills, as they should think proper. The next day, the 11th, these 2½ millions were offered to the persons having any demands against these several departments, and therefore there was nothing secret or clandestine in the transaction. The next detached charge particularly concerned himself. It had been insinuated out of doors, in consequence of something contained in the report, that he, as treasurer of the navy, had thrown obstructions in the way of inquiry. The right hon. gent. here entered into a justification of his own conduct. He said, he had been called upon by the commissioners to furnish four several lists, but, on consideration, he found he could not furnish more than three, and even these not in the precise form required. These three, however, he did furnish in the most complete form in his power, from the documents which his office afforded; and for any further information upon the subject he referred the commissioners to the books of his department. The report, however, in noticing this transaction, and his first answer, goes on to say, "his accounts were afterwards made out," implying, as he conceived, that they were at first refused. Having said thus much, however, he hoped he should not be suspected of having thrown any impediment in the way of the commissioners, to whose object, fairly and liberally pursued, no man was a greater friend than he. He added, that he wished to stand well in the opinion of the house and of the public. He concluded by observing, that if he thought this motion well founded, that a case was made out against the noble lord, he should not lift up his voice against such a motion; but he thought he did not ask too much, when he asked the house not to suffer itself by prejudice within, or by intimidation from clamour without, to take upon itself to decide without full and competent information upon the question now before them.

Mr. *George Ponsonby* rose, and spoke to the following effect:—Sir, I am satisfied that the right hon. gent. who spoke last, thinks, as he speaks, that there is matter in this business, highly deserving of the most serious consideration of this house. I am sure he thinks it a question highly deserving of a committee, for the purpose of proving the innocence and purity of Mr. Trotter; for, from all I have heard of his character, I am certain if he did not think Mr. Trotter pure and innocent, he would not continue him in office. I think it right, sir, to quote the right hon. gent.'s conduct, in proof of his sincerity; for, I am sure he would not vote for farther delay, if not from a consciousness that it was necessary to the exculpation of Mr. Trotter. He surely would not continue him in office, or act in any way, merely for the purpose of screening an accused person from justice. But, while I give the right hon. gent. credit for all this candour and regard for truth, there is one circumstance which strikes me as somewhat extraordinary. The right hon. gent., through the whole of his speech, uses the phrase, 'this charge,' as if it were limited to one. Now, this is an error; for there are several distinct and separate charges comprised in the offence. For example, one of the heads of accusation is, that lord Melville, the very man who proposed the law in question, and afterwards treasurer of the navy, did violate the provisions of that law, by conniving at the conduct of his paymaster taking the public money from the bank, and applying it to his own private profit and emolument. Is not this a single, distinct, and substantive charge? Has this any thing to do, in the remotest degree, with accommodation afforded to another office? or with the charge of a participation of gain with lord Melville? Is not this, then, a distinct and separate accusation? and, if so, how does it become necessary to its ascertainment, to inquire what office received the loan; or whether Mr. Trotter divided the profits with lord Melville? The right hon. gent. pursuing this error, says, as a reason for farther time and inquiry, it is difficult to decide upon complex and intricate accounts, meaning thereby the accounts of Mr. Trotter. Sir, these accounts have nothing to do with the charge which I have stated. I ask the house, will they, after 10 years of consideration and examination, enable you to say, that lord Melville did not connive at Mr. Trotter, his paymaster, taking money out of the bank, and applying it to the purposes of private emolument? You know they will not; and, therefore, as to this charge, no delay is necessary. But it has been said, that the accounts are not correct; as it will appear that the sums transferred to the bank of Messrs. Coutts were only 7 or 8 millions, and not 15, as therein stated. But how will this, admitting the fact to be so, acquit that noble personage of corrupt connivance at the breach of the law? Is he innocent, because he only connived at the misapplication of 7 millions of the public money? The next objection urged is, that the charge against the noble lord and Mr. Trotter is supported only by *ex parte* evidence. Why, this is indeed a curious objection. The gentlemen chuse favourite terms for themselves, and then they quarrel with their own phrase. It is indeed *ex parte* evidence, but of what party? Is it of the accuser? no. It is the evidence of the party accused stating every thing he thinks proper in his own defence and justification. But it has been said, that these parties have been hardly dealt with; they have been taken by surprise, and have had no notice of what was going forward. What! I thought that commission issued for the purpose of inquiring into abuses, with a view to correction and amendment. Have I been mistaken, and was it then for the purpose of inquiring into the transcendant merits and virtues of the treasurer and paymaster of the navy, and to ascertain what farther honours and rewards they deserved for their distinguished services? These worthy parties, it now seems, were most cruelly deceived. They attended the commissioners, never once dreaming that abuses could have crept into their office, which the commissioners wished to investigate, but fancying it was to be only an examination, to ascertain the degree of their merits and virtues, and confidently anticipating a brilliant reward. Now, to come to this *ex parte* evidence, as it is called: lord Melville being asked, did you permit Mr. Trotter to draw the money from the Bank of England, and place it in his private banker's hands? his lordship answers, "I never gave him a direct authority, but I knew he did it." Now, surely, it would have been more manly in his lordship to have said at once "I did," than to admit that he knew what was going on, and did not prevent it. It was skulking from his duty. It was as much as saying to Mr. Trotter, make money of your office as you can, and I will protect you. And who is this Mr. Trotter, with whom lord Melville cannot be presumed to have any fellow-feeling? Why, the general agent of lord Melville. Why, knowing him to be acting in this illegal way, did he continue him in the practice? Can any man believe it was exclusively for Mr. Trotter's sole benefit? But even though it were, lord Melville would not be the less responsible; as principal, he was as corrupt as if the act of his agent had been done personally by himself.——The next argument advanced is that no loss has been sustained by the practice. This I can easily conceive, without giving the parties much credit for their innocence. Mr. Alexander Trotter is an expert calculator. He might know very well how far he might use the public money, before the demands for it should come round upon him. It was only the common science of every banker, who knows when his bills are payable, and to what amount, and regulates his issues in the mean time, accordingly. This argument, of no loss to the public from this practice, is an extraordinary excuse from a right hon. gent. so well versed in the financial system of the country, and the laws that particularly relate to it. Does he recollect the act which prescribes the form of the bills, and the mode of drawing them? That act says, "any man counterfeiting one of these bills, shall be guilty of a felony, without benefit of clergy." Now, suppose an expert forger, and many such there are, had forged a bill of 500,000l. but had the money to replace it when it became due; and supposing this transaction to be afterwards discovered, would or could the right hon. gent. advise his Majesty to pardon that man, because the money was made good? To excuse, therefore, a public officer, guilty of mal-practices, upon the ground of no loss, is monstrous language. It is language that puts an end to the definite provisions of the law, and the constitution of the house of commons. What! no loss? Is then every public officer to speculate with the public money for private profit, and if no loss ensues, is there no criminality? What is the use of your laws, if they may be thus dispensed with at pleasure? What becomes of the house and its duties? Is the house to vote a sum of money for one particular service, and may any officer apply it to another as he pleases, and if no loss follows, is he to remain guiltless? The right hon. the chancellor of the exchequer, says he knows of one sum of 40,000l. that was thus applied to a purpose different from that for which it was voted, and he adds, judiciously applied. I ask, however, if any regard were paid to the votes of the house, why was not that payment afterwards disclosed, and a bill of indemnity demanded for those that made it? It is monstrous that any minister should think himself justified in taking such a liberty with the public money, and not call for a bill of indemnity. It is said that the accounts are not correct; that the sums lodged with Messrs. Coutts are not so great as they are stated. This does not signify. It appears that Mr. Trotter took all he could. He was a good calculator; and if he took only 5 millions, instead of 15, it was because he could not make free with more. It is a proof of his skill, not of his innocence, and, perhaps, it is for that skill he has been reinstated in office. Great pains, we are told, have been taken to inflame the public mind. It is said that hand-bills and publications have been circulated, for the purpose of exciting odium against the parties. If so, it is base.

The hon. gent. opposite (the attorney general) will feel it his duty, I am sure, to ascertain the fact, and punish these libellers; but why are we to stop the proceedings of the house, because offensive and libellous publications have been circulated? The proceedings of the commissioners in 1782 have been referred to, but they have nothing to do with the present business. The question is, whether the act of 1785 has been violated? The conduct of the commissioners in 1782, he would venture to say, did not sanction the conduct of Mr. Trotter. Their recommendation was, that none of these public officers should have public money in their hands, or be exposed to the temptation of private gain, that might end in public loss. I cannot conceive why we should postpone the resolutions. Can you obtain evidence from a committee, that the law has not been violated? This is the first instance of an application to parliament in a grave business for delay, without stating any grounds. If you have any ground, why not state it? I think the gentlemen are not aware of the consequences of delay, if any is to take place. In such event, I think bills ought to be brought in to restrain lord Melville and Mr. Trotter from leaving the country. The proceedings of a committee will occupy a great length of time. What is to become of lord Melville and Mr. Trotter in the mean while? If it shall appear that the sums have been great, it will not be fit that they should be allowed to walk the streets at large, and be at liberty to convey in trust to their friends those funds from which restitution ought to be made to the country. The right hon. gent. (Mr. Pitt) will therefore find it due to his character to follow the case of Sir Thomas Rumbold, and take care that any funds they now possess shall be forthcoming to satisfy the public demands. And now, sir, let me tell you, there never was a moment in the history of the country where the character of the government was so essential to its welfare and security. By a measure, of which I own I did not approve, this house has received an addition of 100 members from Ireland. I own, sir, I am anxious that they should give this night a proof of their spirit and purity. Public rumour stated that at the time of the union many were induced by large sums to part with their legislature too easily, and their integrity was not free from doubt and suspicion. They have now an opportunity of throwing from them that imputation. I should be deeply afflicted if that measure were only to give the minister an increase of influence, and not of purity and virtue. I should be ashamed to walk the streets of London, if it were the general opinion that the members from Ireland were not as clear of corruption as the members of this country, and that there was any virtue in the one from which the other was shut out. Sorry should I be were the two representations to meet like two running sores, wasting the strength and vigour of the body by their confluent corruption. This is the first opportunity they have had of giving a proof of the virtue and integrity of my countrymen, and I hope they will not lose it. You are now engaged in a war alone, without an ally, with a great nation, led by the most extraordinary man the world has ever produced. You have imposed heavy taxes upon the people. This session you have followed the poor man's last luxury into his cottage; you have taxed his salt. Will it not then be wise to shew, that if you call upon him to make great sacrifices, you will take care that they shall be administered with integrity and economy? Is it not incumbent upon you to shew, that no rank, no power, no influence can screen a public malefactor? and that the man who would abuse his trust, and misapply the hard earnings of the people, cannot be screened from the justice of the country? When you have established this character, as I hope and trust you will this night, you may carry on the contest as long as you may think it necessary for your honour or your safety; but, if the amendment be adopted, you will incur a very different opinion. I put it to you, whether it will be considered as a mode to ascertain the innocence of a man, who stands convicted upon his own oath, or a stratagem to shelter him from punishment by delay? I can make great allowance for private friendship. I am sure, however, it is the sentiment of the house that lord Melville cannot be defended; for I observe that not one gentleman has arisen this night to speak for him, but such as have been his colleague in office. I cannot find fault with that friendship; but sure I am, that if they cannot acquit him upon oath, of what he has admitted upon oath, they cannot acquit him of a corrupt breach of the law.

Mr. *Canning* rose to explain the cause of Mr. Trotter's continuance in office. He said he had never seen him until he was appointed paymaster under him. He restored him because he was a useful man. And he had not removed him from office, because he considered his case *adhuc sub judice.*

The *Master of the Rolls* argued in favour of an inquiry, because, he said, it had ever been the principle and practice of our jurisprudence to have the whole of a case before any man was pronounced guilty. It was not sufficient to state that the law had been violated by lord Melville; but before the house could pronounce a judgment against him, it would be necessary to shew that he had violated the law from corrupt motives. The law might be broken, and the motives not corrupt. It had never been the object of the naval commissioners to try criminals, or to convict men on their own confession. Their object merely was to inquire into abuses, and it was for that purpose alone that they had put questions to those who came before them. The house then could not, on the report of men having such an object in view, convict a person without hearing evidence at its bar. Such was the proceeding in the case of sir Robert Walpole, the duke of Macclesfield, and various other persons. He would not now say one word concerning the merits of the case; but he contended that the whole of it ought to be heard before the house proceeded to come to a decision upon it. It would be impossible for any man to be as capable at this moment of determining upon the various shades of guilt belonging to the case, as he would be after an inquiry was gone into. From the report now before the house, it was impossible for any man to say that lord Melville was personally guilty of corruption—that he was corrupt for the sake of private emolument. Nothing like personal corruption was proved against the noble viscount. How was he to judge of his own offence but by his own understanding? How did it appear to what degree he connived at the misconduct of his servant. These and many other points were wholly left in the dark by the commissioners, and could not be cleared up without farther inquiry.

Mr. *Fox* then rose. He said he should be extremely unwilling to suffer this question to be put without expressing his sentiments upon it. For if, unhappily, the vote of the house should be opposite to that which he hoped and wished, he should feel very uneasy indeed that his name should partake of the universal odium that must attach to any decision tending to second such notorious delinquency as the report on the table declared. He could never reconcile it to his mind to be silent upon such an occasion, lest he should be suspected of declining to mark with the strongest reprobation, guilt of a nature so glaring, that any man who gave it the sanction of his vote, or attempted to protect it from punishment, must be viewed in the light of an accomplice, or one at least disposed to become the accomplice of similar transactions. Before he would proceed to the merits of the charges under consideration, he thought it proper to notice the arguments of the gentlemen on the other side, not because he considered those arguments possessed of any intrinsic force, but lest from the authority of the persons from whom they proceeded they might have the effect of leading the house to a decision, which, if it should correspond with the wishes of those by whom such arguments were used, must destroy its character with the country and with all Europe. The first gentleman with whom he would begin was the last who spoke. That learned gent. directed the whole of his observations to shew that the house should go into a committee in order to ascertain whether the breach of the act of parliament, not of which lord Melville stood charged, but of which he confessed himself guilty, proceeded from corrupt motives. If corruption consisted merely in a man putting money into his own pocket, according to the vulgar conception, perhaps some of the deductions of the learned gent. would be right. But he would contend that nothing could be more corrupt, in his opinion, than to permit a man's own agent to convert the money of others to his own private emolument. This was the amount of lord Melville's confession; and although it might be possible, from a further examination, to prove the noble lord more guilty, it did appear to him utterly impossible to prove him less so. For the most conclusive evidence of the noble lord's corruption, he would only refer to that paragraph in the report, in which the noble lord stated, that although he knew his agent Trotter was applying the public money to other purposes than that for which it was legally intended, that he did not prohibit him from doing so. What was that, he would ask, but complete corruption, even taking the case *simpliciter*; but combining it with other circumstances, could any man entertain a doubt upon the subject of his guilt? What greater aggravation of his delinquency in tolerating the breach of his own act of parliament could be imagined than allowing his agent to misapply the public money, for the safe custody of which that act was intended? But it is pretended that no loss had accrued to the public from this malversation, and a very singular argument was advanced, that as there was no loss there was no risk. Now, said the hon. gent., it unfortunately happened in certain parts of my life, which I do not quote with a view to recommend my example to others, that I was in the habits of engaging in certain speculations which are commonly called gaming. If a man should, in that kind of speculation, win a large sum of money, I am sure that an argument would not thence arise that he had made no risk. I rather think the natural inference would be that his risk was considerable. Probably however, in this case, lord Melville did take care that Trotter should not lose any money. Trotter was the confidential agent of lord Melville, and lord Melville was the confidential agent of the state. Therefore, in this sort of speculation in which Trotter engaged, lord Melville could guard against much risk. If two men play at cards together, and a third person stands behind one of them and throws hints to the other, he that receives the hints is tolerably sure of winning. Just so in this business; lord Melville knew when the navy bills were likely to be funded, and Mr. Trotter could act upon the information he might recceive; Will any one say, then, that from such acting upon such information, no loss would accrue to the public? On the contrary, I maintain, that the public did suffer a loss of 1 per cent. upon the discount of such bills. But, then observed the hon. member, the learned gent. desired the house to go into an inquiry, in order to obtain farther evidence. He would appeal to the judgment of the house, whether any farther evidence could be necessary to enable it to come to a decided opinion upon the breach of law, which the noble lord himself confessed? That opinion the house was called on to declare. The public had a right to demand it from them. It was said, that the house ought not to think of acting judicially, of inflicting punishment without the fullest examination into the merits of the accusation, and affording the accused the fullest opportunity of vindicating himself. And so far as the confession of lord Melville went, he had been already tried. He would, however, defy those gentlemen who rested their objection so much upon the question of punishment, to shew, that it was at all in the power of that house to inflict any punishment on such delinquents as lord Melville and Trotter. But if the house should determine on prosecution in any way with a view to punishment; whether by directing the attorney-general to prosecute; whether by moving an impeachment, or preparing a bill of pains and penalties, which perhaps would be the more proper mode of proceeding, he would maintain that the confession of the party accused, would be evidence to proceed upon, and that the house was now called on to act, as it must in every similar case, as a grand jury, to pronounce upon the guilt of the accused. It was strange to hear it asserted, that the accused was not guilty, because no loss had accrued from this scandalous transaction. To those to whom the loss of honour was nothing, perhaps, it might be said that no loss had arisen. But what was the loss of honour to that government which after such a palpable instance of delinquency, should preserve its connexion with the delinquent? and what the loss of character and honour to that house, should it attempt by its vote, to screen such a delinquent? infinitely more than any sum of money could amount to.—Whatever the learned gent. to whom he had already adverted might assert, he could not see that any farther inquiry could be necessary to enable the house to decide that a great public officer who allowed his servants to make illicit profits from the public money, in the teeth of an act of parliament, was guilty of a most serious offence. The guilt consisted in the violation of the law, and it never could be pretended that any such violation could be innocent. There were, indeed, many cases in which the most severe punishments attached to offences to which the charge of moral turpitude did not apply, but which were criminal in consequence of the precept of the law. Such were many of the offences against our revenue laws. Not two years ago an act was passed declaring a man guilty of felony, without benefit of clergy, if paper of a certain sort should be found in his possession, this sort of paper being used for the manufacture of bank notes. Now, the reason of this statute was this, that a man could not be presumed to have such paper in his possession but with a criminal intention. Therefore the breach of the act was proof against him. And the act of the 25th of the king, which applied to the case under consideration, was drawn up upon a similar principle, and the breach of it was to be deemed the proof of the criminal intention. Upon this proof, those which arose out of the reason of the law, he had no hesitation in pronouncing the noble lord guilty. At all events, there was no man who could say that strong suspicion did not attach to him. When private individuals became the objects of suspicion, it was their own affair; but when suspicion attached to men of high rank in the state, it became a matter of great public interest. Putting all the circumstances of the case together, he could not see that any thing could be obtained to avert the judgment of the house from farther inquiry. Whatever delay might take place, there was only one mode of confirming still farther the guilt of lord Melville, and that was in case Trotter should " 'peach;" but there was no mode or evidence possible to be imagined that could refute that which lord Melville himself confessed. On that confession then, he called upon the house to proceed, by adopting the motion of his hon. friend. With respect to the charge of lord Melville's having participated of the profits resulting from Trotter's application of the public money, he could not say that there was direct evidence before the house; but there certainly was strong ground of suspicion. The noble lord, it would be recollected, retained the office of treasurer of the navy for several years after he was appointed to that of secretary of state, and when in that house allusion was made to the circumstance of his holding the two offices, the answer from the other side of the house was, that although he held those offices, he only received the salary of secretary of state, and nothing from the treasury of the navy. Ay, that is nothing of the legal salary. Did not this justify something more than suspicion? Why should the noble lord so fondly cling to this office of his friend, Mr. Trotter? There were many other persons among even his own relations who would have been glad to occupy this situation. But no; lord Melville seemed particularly attached to it, and would any man of common sense, in considering a thing of this kind, make no inference from that attachment. Another objection arose against the proposed committee, from this consideration, that he did not see that any of the difficulties which some gentlemen complain of could be removed; that any of the obscure accounts could be explained. Those accounts were indeed of such a nature, that the parties themselves could not understand them, and how, then, could it be possible for a committee of that house to make any thing of them?—It had been said that the house should proceed with the utmost deliberation in deciding upon character. But upon whose character were they to decide on this occasion? Not, certainly, upon that of lord Melville, for his character was entirely gone; but upon the character of the house and the government, which must depend upon the vote of this night. As to the character of lord Melville it was so completely destroyed in public estimation for ever, that he would venture to say, that were the vote of the house unanimous in his favour, it would not have the slightest effect in wiping away the stigma that was universally affixed to his name. What, then, must the world think of retaining such a man at the head of the glory of the country? It was dreadful to reflect that the most honourable claims should be placed at the disposal of a man, with whose name dishonour was inseparably associated—who had confessed himself guilty of an act of corrupt illegality.—Are we, said the hon. gent., to connive at and approve of all this, when even the right hon. gent. who has moved the previous question, will not go the length of approving all he has done. Sir, we have heard to-night, with sentiments of exultation, the brilliant efforts of a noble friend of mine (lord H. Petty) on the bench behind me: there is not a man in the house capable of appreciating virtue and genius, who did not feel a secret satisfaction in the speech of that noble lord. I recollect, sir, when the right hon. gent. on the opposite bench (Mr. Pitt) made his first essay in this house, I recollect, and many in the house must recollect also, the just pride which we all felt to see him, much at the same age then that the noble lord behind me now is, distinguishing himself in hunting down corruption, in unmasking abuses in the public expenditure, in proposing and enforcing reforms of various kinds. What a contrast does his conduct on this night afford! Under what sort of figure does he appear? " Heu! quantum mutatus ab illo!" The right hon. gent. (Mr. Canning) who now fills the office of treasurer of the navy, asserts that it is physically impossible to act up to the letter of the act, and has amused the house with an account of fractional sums of 8s. 6d. 14s. and 2s. and then turns short upon us, and asks how it is possible to pay all those trifling claims by drafts upon the bank? I do not say it is; but does he not keep money in the iron chest of his office to pay them, and are not the sub-accountants furnished with the means of liquidating them? But these abuses, it is said, can never occur again; Mr. Trotter, in his dying legacy to his successors, has pointed out the means of preventing it.

No; it shall not be done for the future, says Mr. Trotter, and he bequeaths that to his successors which he never thought proper to enjoy himself. The act can never be violated again; I hope not; I hope the decision of the house this night, will render it impossible for the gent. who at present holds the situation of treasurer of the navy, or for any future treasurer, ever to violate it. But if we do not come to this decision, what security have we, that some future Melvilles and Trotters will not break through any new act we may pass, in the same way in which they have done the resolutions of this house in 1782, and the act of the 25th of his present majesty founded upon them. I hope and trust, sir, that a large and virtuous majority of this house will be found to put the seal and stamp of their reprobation upon such monstrous and unblushing delinquency. But, say some gentlemen, the depositions are not evidence. That I deny. If an impeachment were carried against my lord Melville and his associate, these depositions might be produced against them at the bar of the house of lords. Really, sir, I have a strong repugnance to enter into all the disgusting particulars of the conduct of this person with whom I had once some slight connection; God knows, it was a connection of hostility; but after what appears on the face of this report, I should be ashamed of myself if I belonged to the same class of society with him. What is any honourable man to think of a person, who either refuses to answer a plain question, or who answers it equivocally and under reservation? 'Did you derive any advantage from the use of the public monies in the hands of your paymaster?' 'To the best of my recollection I never did.'—Now, the hon. gent.'s objection to this is, that the noble lord should have occasion at all to mention his recollection on the subject. He should have been confident. There are some cases where a man may be allowed to speak as to his recollection, while in others, to mention it is to betray him. If a man were asked whether he was on a a particular night in a particular room with John a Noakes, it might be very well to answer, that to the best of his recollection he was not, but if he were asked whether John a Noakes did not charge him with an attempt to pick his pockets, and kick him out of the room—what would be the inference if he were to answer that John a Noakes did not, "to the best of his recollection?" With respect to the noble lord's offer to swear positively that he did not profit from the misappropriation of the public money, it was remarkable that his offer was confined to the period in which Mr. Douglas, who was now dead, was paymaster of the navy, but did not at all extend to the paymastership of Mr. Trotter. What was the conclusion then to be drawn from this? Why, that he was ready to make oath as to the paymastership of Douglas, because he was dead, but did not think proper to swear as to Trotter, because he was alive.—As to the letter which has been brought forward, and which, in my opinion, only aggravates and confirms his guilt, we never heard any thing of it, although his examination took place in Nov., until a few days previous to the day appointed for his trial. It is said that lord Melville never saw it till it was in print. Can any one believe it? Is it credible that the noble lord never had the curiosity to dispatch some confidential friend to make an extract of that part of the report which he had good reason to suppose must refer to him? When, indeed, he finds the effect of it on the public mind, when he finds that there is not a man, woman, or child, in every corner of the kingdom, in whose mouth the tenth report is not to be found; then, in order to do away the impression of it, he comes forward with his letter. But what can he now gain by this last shift of his? Nothing at all. But if he was suffered to avail himself of the delay he sought for, would not the country feel that the house of commons favoured public abuses, screened a great and criminal delinquent, and that our navy, the greatness and glory of the nation, was still possessed by that very man? Then in what respect would the government be held in the eyes of the people, and of foreign nations, should this man, in a state of accusation and suspicion, be suffered to hold his present high situation, when the bravest and most honourable commanders in the army and navy are always suspended from duty during an accusation of which the result might be an honourable acquittal. The impression on the public mind would now be, that lord Melville fled for protection to power and not to innocence. I hope and trust that this dreadful and disgusting business, like all other evils, will produce some good: that this day will be an æra for commencing an examination into all public abuses, and be the forerunner of such reforms as shall prevent great mischiefs in the country. I hope the right hon. gent. will himself undertake this great work; and that the commissioners of naval inquiry, to whom the country is so much indebted, will continue their laudable and salutary pursuits, and bring every great delinquent to condign punishment.

Lord *Castlereagh* opposed the motion, and insisted, that the very severe animadversions which had fallen from the hon. gent. were not fully justified by the nature of the charges against lord Melville. His lordship exhorted the house not to forget what was due to an old and faithful servant of the public, whose honour was dearer to him than his life. He expressed his sincere wish that the affair might be thoroughly sifted to the bottom by parliament; but he also wished, that the house would not be induced by party clamour and vociferation to forget individual justice. His lordship, therefore, deprecated entering fully into the business at present, unless it were intended to move further for the dismissal of lord Melville from his Majesty's service. He considered, he observed, Mr. Trotter in the light of a deputy of lord Melville's; and that, therefore, the manner in which the public money entrusted to his care had been employed, demanded the particular attention of parliament; but his lordship was against treating lord Melville with the severity intended; and deprecated their being hurried by their sensations of strict rectitude into a premature decision upon a subject which involved objects of such magnitude. His lordship also stated, that a strict examination of the accounts was very necessary to know to what length the supposed abuse had been carried.

Lord *Andover* supported the motion, and censured severely the conduct of lord Melville. He enlarged particularly upon the answer the noble lord had made when the plain questions whether he had connived at Mr. Trotter's practices, or received any emolument from them, were put to him by the commissioners. An answer, his lordship observed, very dissimilar to that of the Roman statesman, who, scorning any other justification, appealed boldly to the opinion his country at large entertained of his honour and integrity. Such was not lord Melville's character: his sensibility, his integrity, was not of that nature which "seeks the light, and courts the day."

Mr. *Wilberforce.*—I do not rise, sir, at this late hour, to detain the house for any long time, but I cannot satisfy my mind without saying a few words in support of the original motion; for, notwithstanding I have listened with all the attention I am master of, to the arguments of gentlemen who have opposed it, I must confess that it is impossible for me to leave the house this night without giving my vote in support of the resolutions moved by the hon. gent. It seems to me, that if I were willing to admit all which the advocates of lord Melville argue for, yet I am equally bound to vote for the original motion. If the house were to step out of its way to adjust all the shades of criminality which belong to this case, then, indeed, it might be necessary to take some proceeding or other, similar to that which has been recommended to us by my right hon. friend, the chancellor of the exchequer. But here is a plain, broad fact, which no subsequent elucidation can possibly explain away. Here is my lord Melville publicly declaring on his oath, that he has tolerated his dependant in a gross breach of an act of parliament, for the purposes of private emolument. I really cannot find language sufficiently strong to express my utter detestation of such conduct. In my mind, the friends of lord Melville have not at all affected the plain, simple state of the transaction. What advantage can we derive from going into a committee, for the purpose of contradicting an examination given on oath? I confess, sir, that I cannot make up my mind to believe that lord Melville received any direct gain from the transactions alluded to. But, though I do not believe that lord Melville has been a participator in the profits, yet I think it by no means improbable that he may at times have drawn more freely upon Mr. Trotter than he ought to have done. I will not say that lord Melville has not received accommodation from these profits. The bare fact of his having borrowed 10 or 20,000l. at a time from one of his clerks, is a very suspicious circumstance. It is clear that Mr. Trotter is a man who acted on the great scale, and this fact was of itself calculated to produce strong suspicion. Let me ask any of my hon. friends around me, if there are no suspicious circumstances attending these transactions? If the house was once to suffer a minister to say that he had connived at the breach of a law by a person who had been his confidential servant for a number of years, and that the superior was to pass uncensured because no personal corruption had been proved against him; if that was once to be admitted as a principle by which the house of commons was to be directed, it would open a door to every species of corruption, and there would be no security left for the faithful discharge of any public trust. Ministers may be desirous of waiting till the public feeling shall have subsided, and fancy that the whole business may blow over. But they are mistaken. They appear to me to have placed themselves in this situation. They might have prevented it. Had I been in their places, I would not have risked my reputation by setting up such a justification as they have done for lord Melville.—As to the argument that there has been no actual loss to the public by these transactions; when we reflect upon the consequences that might arise from the detention of money intended for the payment of so great a department as the navy of this country, when we reflect upon the lengths to which men may be induced to go if the mind is once accustomed to abuses, and when we consider the influence such conduct must inevitably have upon all the inferior departments, I do contend that the loss in a pecuniary view, may have been to an extent almost incalculable. It has been elegantly and beautifully said by a noble lord (Petty), that it would be fortunate indeed for this country had these abuses never been discovered, if the result was to be, that these Reports were to lay a dead letter on the table of this house, to prove and to proclaim, that although there might be found in this country persons honest and assiduous in conducting an inquiry into abuses, there was after and behind all this, a power able and willing to step in between the law and the offender against the law, and thereby establish at once the most fatal and the most shameful of all precedents, that of guilt known and acknowledged but not censured, of a breach of the law ascertained but not punished. But have we not sustained a loss which no money can repay? Such is the opinion which I entertain of the consequences of the loss of honour, that I esteem it beyond any thing that can be set in balance against it. Would to God we could be restored to the state we were in before this happened! If abuses such as have been brought to light by the commissioners of naval inquiry are tolerated or in any degree countenanced by this house, melancholy indeed will be the result. As to the "clamour" that has been mentioned, it is not the cry of popular faction, but it is the universal sentiment of persons of every rank, of the rich as well as the poor, of the middling class of the community, who understand the constitution perfectly well. Greatly as the people of England disliked the conduct of Charles the First in levying ship-money, it was not so much the measure itself which created such general discontent, as the circumstance of the judges having given their opinions in favour of it. Lord Clarendon concludes his reflections on this transaction with these remarkable words: "and here," says he, "the damage and mischief cannot be expressed, that the crown and state sustained by the deserved reproach and infamy that attended the judges, by being made use of in this, and like acts of power; there being no possibility to preserve the dignity, reverence, and estimation of the laws themselves, but by the integrity and innocency of the judges." It is not only lord Melville, but we ourselves that are upon our trial, and a fearful trial it is. If we shrink from it we shall hereafter have reason to repent of our conduct. The house is now appealed to as the constitutional guardian of the rights of the people, and I should ill discharge my duty to the public, if I did not give my most cordial and sincere support to the present motion.

Sir *Charles Price* observed, that, as a magistrate and a man, he felt himself most fully justified in declaring that if lord Melville had been entirely free from any criminality, he would have answered more fully and unequivocally than he had done. He therefore supported the original motion.

Mr. *Wallace* rose to express the conviction he felt of the personal integrity of lord Melville.

Lord *Archibald Hamilton* rose, amidst loud cries for the question. He said he would not detain the house a moment. No member for Scotland had yet delivered their sentiments on the question, and he only meant to state, that there was at least one representative of that country who would vote for the original motion.

The house then divided:—

For Mr. Whitbread's Motion 216
For the Previous Question 216

The numbers being thus equal, the SPEAKER gave his casting vote in favour of Mr. Whitbread's Motion, thereby making a Majority of......... 1

The question was then put on each of the resolutions moved by Mr. Whitbread, and carried in the affirmitive. When strangers were re-admitted to the gallery, the house was debating on the 11th resolution. It appeared that Mr. Pitt had moved to leave out the concluding words, viz. "has been guilty of a gross violation of the law, and a high breach of duty," with the view of substituting these words—"has acted contrary to the intentions of the said act." After a long conversation Mr. Pitt obtained leave to withdraw this amendment, in order that he might have an opportunity of proposing another in a preceding part of the same resolution. He proposed to insert after the words "private interest or emolument," these words, "of Mr. Trotter." This amendment was warmly opposed. It was contended, on the one side, that the resolution ought to be left in its original ambiguous form, as it gave no opinion on the question of lord Melville's personal emolument; and that to throw the whole upon Mr. Trotter, would be pronouncing a decision, which the house, from the facts before them, were not competent to make.

Sir *William Pulteney* suggested, that the words, "as acknowledged by lord Melville," in addition to those proposed by Mr. Pitt, would meet the ideas of both sides of the house.

Mr. *Whitbread* said, he had no particular objection to this amendment. The words in his motion had been left general, because it was confessed that the sums were drawn out for private interest and emolument, but not specified directly whether for lord Melville as well as Mr. Trotter. In this way the motion was read by the chair. It then stood thus: "That the right hon. lord viscount Melville having been privy to, and connived at, the withdrawing from the bank of England, for the purpose, as stated by lord Melville, of private emolument to Mr. Trotter, sums issued to lord Melville as treasurer of the navy, and placed to his account in the bank, according to the provisions of the 25 Geo. III. c. 31. has been guilty of a gross violation of the law, and a high breach of duty."

Mr. *Windham* contended that after the clear elucidation of the case that the treasurer of the navy could answer whether he had not derived advantage from the public money, the words in the resolution ought to be left ambiguous.

Mr. *Fox* said, that the attempt to screen lord Melville from the result of the previous resolutions by so trifling an amendment, would do the noble lord no good, but would put that house in a very awkward point of view.

Mr. *Wilberforce* said, that not to brand the transaction by the epithets of gross violation of the law, and a high breach of duty, after the confession of lord Melville, would be ignominious to the house.

Mr. *Sheridan* said, that the amendment made the motion almost nonsense. To say, in the first instance, that lord Melville connived for 16 years, and then to fritter away the conclusion, was a most extraordinary way of acquitting his colleague.

Mr. *Bastard* said, it was impossible for any gentleman to support such an amendment.

Mr. *T. Grenville* spoke to the same effect.

Mr. *Pitt* persisting in his declaration that he would take the sense of the house, the gallery was cleared; but on the question being put on the motion as it originally stood, the speaker declared that the ayes had it, and Mr. Pitt did not push the house to a division. Before strangers were re-admitted, Mr. Whitbread had moved an address to his Majesty for removing lord Melville from his councils; and at the time the gallery was opened Mr. Pitt was proposing to postpone the consideration of this motion until Wednesday.

Mr. *Fox* said, after the long debate which had already taken place, he should have no objection to the postponement of his hon. friend's motion, provided it was understood that the house should not sit in the interval. He could not consent to a proposition which would leave to the house the chance of meeting again without having taken any step to remove a disgraced administration.

Mr. *Pitt.*—Certainly, in every view of the case, it is better that the house should adjourn to Wednesday next.

Adjourned at 5 o'clock on Tuesday morning to Wednesday.

List of the Majority.

Abbot, Right Hon. C. (Speaker.)

Adair, R.
Althorpe, Lord
Adams, Charles
Anderson, Sir J. W. Bart.
Andover, Viscount
Annesley, Francis
Anson, Thomas
Antonie, Wm. Lee
Astley, Sir J. H. Bart.
Atkins, John
Aubrey, Sir J. Bart.
Bradshaw, C.
Babington, Thomas
Bagenal, Walter
Baker, John
Baker, Wm.
Baker, Peter W.
Bamfylde, Sir C.
Bankes, Henry
Barclay, George
Barclay, Sir Robert
Barham, Jos. Foster
Barlow, F. W.
Bastard, J. Pollexfen
Best, W. Draper
Bligh, Hon. Thomas
Bouverie, Hon. E.
Brogden, James
Brooke, Charles
Browne, F. John
Browne, Isaac H.
Buller, James
Bunbury, Sir C.
Byng, George
Calcraft, J. (Teller)
Calvert, Nicholson
Cavendish, Lord G.
Cavendish, W.
Chapman, Charles
Coke, Thomas
Coke, Edward
Coombe, H. C.
Cooke, Bryan
Coote, Sir Eyre
Cornewall, Sir G. A.
Courtenay, John
Cowper, Hon. S.
Creevey, Thomas
Curtis, Sir William
Curwen, J. C.
Cumming, ——
Daley, D. Bowes

Dennison, John
Duncannon, Lord
Daniel, F.
Dickins, F.
Douglas, Marquis
Dugdale, S. D.
Dundas, Hon. L.
Dundas, Hon. C. L.
Dundas, Hon. G. H. L.
Durand, J. H.
Ebrington, Lord
Elliot, William
Erskine, Hon. Thomas
Fellowes, Robert
Foley, Hon. Andrew
Foley, Thomas
Foljambe, F. Ferrand
Fitzgerald, Rt. Hon. J.
Fitzpatrick, Rt. Hon. R.
Folkes, Sir M. B.
Folkestone, Viscount
Fonblanque, J.
Fox, Hon. C. J.
Francis, Philip
Frankland, William
Fuller, John
Geary, Sir William
Giles, Daniel
Godfrey, Thomas
Golding, Edward
Gregor, Francis
Grenfell, Pascoe
Grenville, Rt. Hon. T.
Grey, Hon. Charles
Grimston, Hon. J. W.
Hamilton, Lord A.
Harrison, John
Holland, Henry
Holland, Sir Nathan.
Howard, Henry
Huddlestone, John
Hughes, Wm. Lewis
Hulkes, James
Hurst, Robert
Hussey, William
Hutchinson, Hon. C. H.
Jeffery, John
Jekyll, Joseph
Jervoise, J. Clarke
Johnstone, George
Kensington, Lord
King, Sir J. Dashwood
Kinnaird, Hon. C.
Knight, R. Payne
Ladbroke, Robert
Lambton, Ralph
Langton, W. Gore
Lascelles, Hon. Edward
Lascelles, Hon. Henry
Latouche, John
Latouche, Robert
Lawrence, French
Lawley, Sir Robert
Lemon, John
Lemon, Sir W.
Lefevre, Charles Shaw
Loveden, E. L.
Lubbock, J.
Maddocks, W. A.
Markham, J.
Manners, John
Marsham, Lord
Martin, R.
Mathews, J.
M'Mahon, J.
Mellish, Wm.
Metcalfe, Sir Theo.
Middleton, Sir W.
Milbanke, Sir R.
Mills, C.
Milner, Sir W. M.
Moore, G. P.
Mordaunt, C.
Morpeth, Lord
Morris, Edward
Mostyn, Sir T.
Moore, P.
Newport, Sir John
Noel, G. Noel
Neville, ——
North, Dudley
Northey, Wm.
O'Brien, Sir Edward
Ord, William
Osborne, Lord F. G.
Ossulston, Lord
Palk, Sir Lawrence
Palmer, John
Paxton, Sir William
Pedley, J.
Peel, Sir Robert
Pierse, H.
Pelham, Hon. C. A.
Petty, Lord Henry
Pierpoint, Hon. C. H.
Plumer, William
Ponsonby, Right Hon. W. B.
Ponsonby, George
Portman, Ed. Berk.
Poyntz, William S.
Praed, William
Price, Sir Charles
Prinsep, John
Pulteney, Sir W.
Pytches, John
Ridley, Sir M. W.
Robarts, Abram
Russel, Lord Wm.
St. John, Hon. St. A.
Salisbury, Sir Robert
Scott, Joseph
Scudamore, John
Shaftoe, Robert E. D.
Shakespeare, Arthur
Shelley, Timothy
Shelley, John
Sheridan, R. B.
Simpson, Hon. John
Smith, Wm.
Smith, Charles
Somerville, Sir M.
Spencer, Lord R.
Stanley, Lord
Stanley, Thomas
Stewart, Hon. Mont.
Stewart, James
Symonds, Thomas P.
Tarleton, Banastre
Taylor, C. W.
Thornton, Henry
Thornton, Robert
Thornton, Samuel
Tierney, Right Hon. G.
Townshend, Lord J.
Tyrwhitt, Thomas
Vansittart, George
Walpole, Hon. G.
Walpole, Hon. H.
Ward, Hon. J. W.
Watson, Hon. George
Western, C. Callis
Wharton, John
Wright, John Atkins
Whitbread, S. (Teller)
Willoughby, Hon. H.
Wilberforce, Wm.
Williams, H.
Williams, Owen
Walsh, Sir B.
Windham, Right Hon. W.
Wrottesley, Sir John,
Wynn, C. W. W.
Young, Sir W.

List of the Minority.

Abercromby, Hon. G.
Adams, Wm.
Addington, Rt. Hon.
Ainslie, R. S
Alexander, Boyd
Alexander, H.
Archdall, Richard
Ashley, Hon. C.
Bagwell, John
Bagwell, William
Baillie, Evan
Baldwyn, W.
Barne, Snowden
Bathurst, Rt. Hon. C.
Beaumont, T. R.
Beresford, Lord G. T.
Beresford, John
Binning, Lord
Bloxham, Sir M.
Bond, N.
Brodie, James
Brome, Lord
Brooke, Lord
Bruce, Lord
Bruce, P. C.
Buller, John
Burrows, Sir W.
Burton, N. C.
Calvert, J.
Campbell, J. A.
Campbell, John
Campbell, Lord J.
Canning, Rt. Hon. G.
Cartwright, W. R.
Castlereagh, Visc.
Chuse, W.
Clephane, David
Cline, W.
Clive, Hon. R.
Cockerell, C.
Colquhoun, James
Corry, Rt. Hon. I.
Cranley, Lord
Curzon, Hon. R.
Cust, Hon. J.
Dashwood, Sir H.
Dent, John
Devaynes, W.
De Blacquire, Lord
Dick, Quintin
Dickenson, W. jun.
Dickenson, W. sen.
Dickson, W.
Douglas, Sir Geo.
Duigenan, Patrick
Dundas, Phillip
Dundas, Hon. R.
Dundas, Rt. Hon. W.
Dunlo, Lord
Dupre, James
Elford, Sir W.
Eliot, Hon. W.
Ellison, R.
Erskine, Sir W.
Estcourt, T.
Everett, T.
Euston, Earl
Fane, Francis
Fane, Henry
Fane, John
Fane, Hon T.
Farquhar, James
Fellowes, W. H.
Ferguson, James
Finch, Hon. E.
Fitzgerald, Rt. Hon. M.
Fitzharris, Lord
Fitzhugh, W.
Foster, Rt. Hon. J.
Frederick, Sir J.
Fydell, Thomas
Garland, George
Gibbs, V.
Giddy, Davies
Glenbervie, Lord
Graham, T.
Grant, F. W.
Grant, Sir W.
Greene, W.
Greville, Hon. R. F.
Gunning, R.
Hamilton, Sir H.
Hamilton, ——
Hamilton, H.
Hamilton, Sir C.
Hamond, Sir A. S.
Hardman, Edward
Harvey, E.
Hawkins, Sir C.
Hawthorne, C. S.
Heathcote, Sir W.
Henderson, A.
Hill, Sir George
Hilliard, E.
Hobhouse, B.
Hodson, J.
Holford, G. P.
Hope, Hon. Alex.
Hope, Hon. C.
Horrocks, J.
Huntingfield, Lord
Huskisson, W.
Inglis, Sir H.
Jeffray, J.

Jepson, Denham,
Joddrell, H.
Jolliffe, H.
Jones, Walter
Keane, Sir J.
King, Hon. E.
Kingston, J.
Lee, E.
Leigh, R. H.
Leland, John
Loftus, W.
Long, Rt. Hon. C.
Longfield, M.
Lopez, M.
Louvaine, Lord
Macnaughton, E. A.
M'Dowall, W.
M'Kenzie, F. A.
Manners, R.
May, Edward
Mildmay, Sir H.
Mitford, W.
Montgomery, P.
Moore, C.
Morgan, C.
Morland, W.
Nepean, Sir E.
Neville, Richard
Nicholl, Sir J.
Norton, J. C.
Odell, W.
Osborne, J.
Ormsby, C. M.
Paget, Hon. C.
Paget, Hon. E.
Patten, Peter
Patterson, J.
Percival, Hon. S.
Phipps, Hon. E.
Pitt, Right Hon. W.
Pitt, W. M.
Popham, Sir H.
Pole, Hon. W. W.
Porcher, T. D.
Preston, Sir R.
Pulteney, Sir J.
Rochfort, Gustavus
Rose, Right Hon. G.
Rose, George H.
Russel, M.
Rutherford, J.
Salusbury, Sir R.
Sargent, J.
Scott, David
Scott, Hon. J.
Scott, Sir W.
Scott, Claude
Scott, Samuel
Seymour, Lord R.
Sinclair, Sir John
Sitwell, Francis
Sloane, Hans
Smith, Sir W. S.
Smith, J. A.
Smith, Spencer
Smyth, Rt. Hon. J.
Sneyd, Nathaniel
Somerset, Lord C.
Somerset, Lord R. E.
Spencer, Lord F.
St. John, Ambrose
Stanhope, W. S.
Staniforth, John
Steele, Rt. Hon. T.
Steele, Robert
Stephens, Sir P.
Stewart, Sir James
Steward, G. T.
Stopford, Lord
Strachey, Sir H.
Strahan, A.
Strutt, J. H.
Stuart, Sir John
Sturges, Bourne
Sudley, Lord
Sullivan, Sir R.
Spencer Smith
Talbot, Sir C.
Thelluson, G.
Thelluson, P. T.
Thynne, Lord G.
Thynne, Lord J.
Titchfield, Marquis
Townshend, Hon. W.
Trail, J.
Turner, Edmund
Vansittart, N.
Ward, Robert
Wallace, Rt. Hon. T.
Welby, Sir W. E.
West, Hon. F.
White, M.
Wigram, Robert
Willet, T. W.
Wood, Mark
Wortley, J. S.

HOUSE OF LORDS.

Tuesday, April 9.

[Minutes.] The bills upon the table were forwarded in their respective stages.—The order of the day being read, the house resolved into a committee on the Irish militia enlisting bill, and lord Walsingham having taken the chair, the various clauses and provisions of the bill were agreed to by their lordships, without observation or amendment.—The house having resumed, the report was received, and the bill ordered to be read a third time to-morrow.—A bill was introduced by the duke of Athol, to divorce Frederick Touche, esq. from Elizabeth Atherton, his now wife, and to enable her to marry again, and for other purposes therein mentioned. On the bill being read a first time, the lord chancellor quitted the woolsack, and called their attention to the prominent consideration of the bill. It was a measure originating with the woman; a circumstance which uniformly rendered that house very cautious in entertaining bills of the kind. There were, undoubtedly, some precedents of such cases, he believed two, and one of these so late as the year 1801; yet these were countenanced on the extraordinary circumstances and peculiar specialities of the cases. He felt it appeared rather hard to say any thing unfavourable of a bill of the kind, on the occasion of its first reading; but he must observe the bill was one which deserved their lordships most serious consideration, and anxious attention, when it should be read a second time. The duke of Athol observed, that part of what had fallen from the noble lord on the woolsack, in a great degree anticipated what he proposed to offer. There were avowedly precedents for bills of the kind, and he was aware that the present case, must stand on its own particular merits.—Adjourned.

HOUSE OF LORDS.

Wednesday, April 10.

[Minutes.]—The royal assent was given by commission to the Militia Reduction bill, the Spanish Trade bill, the American Treaty bill, the Foreign Prize Ships' bill, the Bengal Supreme Council, the Innkeepers' Rates bill, the Edinburgh Police bill, and six private bills.—The Irish Militia Reduction bill, the Irish Spirit Permit bill, Bowyer's Lottery bill, the London Bread Assize bill, and some private bills, were read a third time, and passed.—Lord Hawkesbury laid on the table, by command of his majesty, copies of correspondence between the admiralty and navy board, and an account of the number of guns and carronades on board of certain ships, pursuant to addresses of that house.—Adjourned.

HOUSE OF COMMONS.

Wednesday, April 10.

[Minutes.] A message from the lords informed the house, that their lordships had agreed to the Innkeepers Rates bill, the English Militia Reduction bill, the Spanish Trade Licence bill, American Treaty bill, Neutral Ships bill, and Alien Prize Ships bill, without any amendments. After which, the speaker, pursuant to a summons by the black rod, attended in the house of lords, where the royal assent was given by commission to the foregoing bills, the Edinburgh Police bill, and several private bills.—Mr. Lee gave notice, that on the 25th of April he should move for leave to bring in a bill to allow the same advantages with respect to the issue of small notes to the country banks of Ireland, as were enjoyed in this country; also for a bill further to regulate the mode for receiving small debts in Ireland.—Sir W. Scott moved the order of the day for the second reading of the Prize Courts bill.—Sir C. Pole expressed a wish that this measure should not be hurried through the house, but that the hon. member would consent to have it printed, and that sufficient time should be allowed to the parties concerned, to consider the several clauses which it contained. Sir W. Scott proposed to have the bill read a second time this day, and committed pro forma to-morrow, after which he should move to have it printed, and after the holidays recommitted, when as much time as the hon. gent. should deem necessary should be allowed. The bill was read a second time, and ordered to be committed to-morrow.—A message from the lords informed the house, that their lordships had agreed to the Irish Militia Volunteer, the Irish Spirits Permit, the London Bread Assize, and Bowyer's Lottery bills, without any amendment. —Mr. Rose presented several accounts relative to the Isle of Man, and the case of John Duke of Athol. Ordered to lie on the table, and to be printed.—Mr. Giles desired to be informed, whether it was the intention of his majesty's ministers, to bring forward a bill for continuing for a further period the Commission of Naval inquiry; as if not, he should feel it his duty to submit a motion to the house on that subject, at an early day after the holidays.

[Proceedings respecting Lord Melville and Mr. Trotter.] The *Chancellor of the Exchequer,* as soon as he entered the house, rose and said, that he thought it his duty to acquaint the house, that the noble lord who had been the subject of the discussion on a former night, had since made a tender of the resignation of the office of first lord of the admiralty to his majesty, which resignation his majesty had been most graciously pleased to accept.

Mr. *Whitbread* then moved, that the resolutions of Monday should be read. The house ordered that the eleventh resolution only should be read, and it was read accordingly. "That the right hon. lord viscount Melville having been privy to, and connived at the withdrawing from the bank of England, for purposes of private interest or emolument, sums issued to him as treasurer of the navy, and placed to his account in the bank, according to the provisions of the 25th Geo. III. c. 31, has been guilty of a gross violation of the law, and a high breach of duty." Upon which,

Mr. *Whitbread* rose, and expressed himself in these words: Sir, the notice which has been just given by the right hon. gent. over against me cannot have been unexpected by any one; but I confess that, by the notification now made, I am by no means satisfied; I think the public cannot be satisfied; I think, nay, I feel confident, this house will not be satisfied; I am sure the ends of public justice will not be satisfied, if some further resolutions are not adopted, in consequence of the proceedings on the report of the naval commissioners. If the issue of the debate of the night before last was a mere personal or party triumph; if it was only our own feelings which were concerned, we might be satisfied, because the noble lord who was the object of the accusation which I had the honour to bring forward, has thought fit to retire from a situation of responsibility, dignity, and emolument, at least from the first situation in point of dignity he held: and as far as any triumph over an individual can be concerned, this has been most complete. But, sir, I was not actuated, and I am sure those who voted with me on the occasion were not actuated by personal or party motives: I undertook a great cause, in which I had the satisfaction to succeed: I shall not abandon the cause I have undertaken; but I shall still urge the motion of which I gave notice on the former night. If I know any thing of my own heart; if I know any thing of the feelings which actuate me, there is nothing, I trust to God, of a vindictive spirit within me; and having accomplished the end of disclosing the conduct of the noble lord, and having the verdict of the house, I should not, for the mere sake of ulterior punishment, think it necessary to press the subject farther; I should here stop, and desist: but let us consider the situation in which we stand. The noble lord, stigmatized as he is by the vote and proceedings of this house, has not been dismissed. He has done that which any honourable man may do on feelings of his own. He has tendered his resignation. Is that enough? Lord Melville may be restored to-morrow; he may again be made first lord of the admiralty. Is it fit that should be a possible event? Is it not necessary for the dignity and honour and feelings of this house, that it should be impossible he should be restored to the situation I have described. Reflecting on the proceedings of the other night, I think no man can view them without the deepest gratitude, without experiencing the strongest emotions of joy that such was the event. Many instances have occurred in history where a faction has triumphed over an individual, where persons have been pursued by large majorities of this house; but what is the situation in which we stand? Can there be any page of the journals of parliament which will be looked to in after ages with more pleasure by the true lovers of the country, than the page which records the proceedings of the house on this momentous subject? With an attendance much larger than is usually obtained, the point was equally balanced, and it remained for you, sir, sitting in that seat, which is the seat of impartiality, which is filled, I may say, without paying any undeserved compliment to you, by a person in every respect qualified —it remained for you, to whom no party spirit can be imputed, of whom no partiality can possibly be surmised, to decide between the two parties, which was in the right. Your decision did immortal honour to yourself; your decision was looked upon, is looked upon, and ever will be looked upon with joy and satisfaction by the country. The popularity which flows from deeds like these is the greatest satisfaction a man can receive. If we see in all persons whom we meet; if we read in every countenance, in every expression, the congratulation, the self satisfaction; the approbation bestowed on the representatives of the empire—if out of this house

"We read our history in a nation's eyes,"

we have good reason to applaud ourselves; but we shall not have such cause of exultation if we stop here, and do not render it impossible his majesty should ever restore lord Melville. At the same time that I thus express my feelings—that I give the house the strong bias of my mind, I mean to speak with an assembly, which has conducted itself with so much honour and respectability, in terms of deference and respect. If I did not think there was a pervading sentiment, that the motion with which I shall conclude would be approved of and adopted, I would not urge it: but from all I have collected, not only from my immediate friends, but from persons divided from that party, with which I am proud to rank myself, and who have opposed that party—from what I have heard from every description of persons whose sentiments I have endeavoured to collect, I find a generally prevailing opinion, that it is necessary we should proceed further in this stage of the business. Ulterior proceedings, with reference to others, undoubtedly must be had, and we must tell his majesty in the most solemn way we can, that it is necessary lord Melville should be removed from every office he holds under the crown, and from his majesty's presence and councils for ever. I should like to ask the right hon. gent. opposite me (Mr. Canning) whether some preliminary measures have been taken. Has Mr. Trotter been dismissed? (Mr. Canning answered, *yes.*) Has Mr. Wilson been dismissed? — (Mr. Canning answered, *no.*) If not, then I say all that is necessary to be done has not been done. There may be particular circumstances, and I am far from meaning to say they do not exist, which may make it necessary to retain such a person as Mr. Wilson in office a few days. Is it the right hon. gent.'s intention to dismiss him? (No answer.) Then I say he ought to be dismissed from his office. He is not fit to hold a situation in the Navy Office, or any other office under government? Yet, even if both are dismissed, ulterior proceedings must be had; and, in order that it may not be necessary for me again to trouble the house, I take this opportunity of giving notice, that it is my intention, immediately after the holidays, to move that his majesty's attorney-general be instructed to proceed against lord Melville and Mr. Trotter, for an account, in order that (agreeing as I do with the commissioners of naval inquiry) the public may receive back what has been unjustly taken from the public purse, and that the profits so unduly made may be refunded. The way of obtaining restitution I shall leave in the hands of the hon. and learned gent. There are other proceedings necessary to be adopted, in consequence of the Tenth Report, even if the question I shall propose to day should be carried. That it will be carried I can entertain no doubt; it would indeed be an inauspicious dawn of our labours, if the house should reject it. I hope and trust that the career of that sun, which has just begun to diffuse its warmth and nourish the hopes of the country, will be brilliant, and when it sets, that it will set in glory. It will be necessary that all the proceedings, both of lord Melville and Mr. Trotter, should be enquired into and sifted. The time is come in which I shall, as it is my duty, propose every practicable enquiry. With regard to that part of the subject which you have already investigated, no enquiry could have made it clearer; but there are other matters contained in the report which are dark and mysterious. On them I must throw a light. It was my intention to have proposed a resolution with regard to the transfer of the public money from one service to another, in violation of the law, but I collected from gentlemen with whom I conversed, that those transfers might have been made without such evil intention as I attributed to them. To one transfer the right hon. gent. opposite me has acknowledged he was privy. The transfers might all of them have been honourable. I shall proceed, in conformity with the wish of the house; but it may be necessary for me to mention, that it is my intention, after the holidays, to move for a select committee, to enquire into all the transactions referred to in the report; for I am convinced, no subject of deeper moment can come under the consideration of the house. It appears by the report, that money voted for particular services has been applied to other services. What a precedent does this set up? What a door does it open to fraud? During the whole of the treasurership which preceded, and during the whole which succeeded lord Melville's treasurership, no negotiation of this kind was ever fouud necessary. It was only during the administration of lord Melville that any such practices were ever carried on in the treasurership of the navy office, according to all the accounts we have of the manner business was transacted. In the course of these transactions a particular circumstance will come to the recollection of the house. What I allude to is, the papers recording them having been destroyed, papers which ought to have been carefully preserved. If such transactions as are stated in the report took place, they ought to have been secretly recorded, in order that, if innocent, the justification of those concerned might appear; or, if guilty, that they might be condemned. There are other parts of the Tenth Report which it may be necessary to refer to a committee, as well as other circumstances not included in the report. I adverted on a former evening to the conduct of the bank, and meant to have returned to it, but my recollection failed me. Upon the evidence of the chief cashier of the bank, it appeared the bank had not sufficient vouchers for the money issued. I have been given to understand, that the evidence was not correct, but that the bank were correct. If that is the case, let it be set right. Do not let the imputation remain on the bank, if it is an unjust one. In the course of what I offered to the house the other evening, I intimated, from conversation and rumour, which I stated to have been founded on accurate information, that the right hon. gent. (Mr. Pitt) was not without blame, I do repeat that charge, and it remains for him to exculpate himself. If he cannot do so now, I shall move for that part of the subject being referred to a committee. I do charge, that he was apprized of the irregular mode of taking the money out of the Bank of England, and placing it in a private bank. The rumour is, that he was acquainted, from the most direct and authentic source, and that as prime minister and chief financial officer of the country he took no step to prevent it. This is a point which must also be referred to the committee. There are other circumstances, particularly the circumstance which relates to Mr. Jellicoe. This is one of the strongest features of the case, and has made a strong impression on the public, and every person who has heard of it. It is not only lord Melville who is accused, but the commissioners of the treasury. It will be for them to shew upon what ground they granted a *quietus* to Mr. Jellico, to the amount of 24,000l. To persons who are in the habit of constantly talking of millions, tens of millions, fifties, and hundreds of millions, and who could make a mistake in supposing that to be 186 millions which was only 134 millions; the sum I have mentioned may appear trifling; but I wish to know why a *quietus* was given for 24,000l. If it was only for 24 pence, the grounds ought to be enquired into. I believe it will be found, that the lords of the treasury were to blame, and that it was obtained under false pretences.—Lastly, sir, there is a circumstance on which it is particulary important the house should have information, if it can be obtained. How it is to be obtained I do not know; but things often come to light which we despair of developing. The most important point on which I dwelt so long the other night, both as it affects the public and lord Melville, as well as his connections, is, whether he was or was not a participator in the peculations charged against Mr. Trotter. That fact is material to be ascertained, and if it is possible, the commissioners will ascertain it. The suspicious circumstances I stated on the last night—they have made a deep impression on my mind, and there has been no denial of them.—It is stated, by Dr. Swift, that two and two do not always make four. I am sure, according to lord Melville, four and four were not always equal. His lordship had, as the salary of his office, 4,000l. a year; no duties attached to it, but it was clear of all deduction. We heard lord Melville state how he was oppressed by public business, that he had hardly time to rest at night; but that it was necessary for the administration of public affairs they should not be entrusted to other hands than his own; that it was necessary he should continue to be president of the board of control; and that he should have the management of the war. But was it necessary too that he should be treasurer of the navy? Undoubtedly there were always persons willing to receive the emoluments of office without doing the duty as well as his lordship. What does lord Melville do? He gives up 4,000l. a year of his income, as secretary of state, and takes 4,000l. as treasurer of the navy. What does this prove, but that the one was better than the other; that the one promised to yield more in future, that the one was male, and the other female, the one fruitful, the other not; that the one produced only 4,000l. a year, and the other was productive of a great deal more. This is what, on reflection, more and more strengthens my suspicions, for suspicions I admit they are, and must be till they are confirmed: but whether they are confirmed or not, perhaps I do not feel that they constitute the principal article of charge. The principal article of charge has been substantiated, has been acknowledged by the noble lord himself, under his own hand, and out of his own mouth; the house of commons has decided on it, and where there is ground of suspicion that he has swerved one hair's breadth, one scruple beyond his duty, it is necessary for the dignity of the house of commons, and for the satisfaction of the people of this empire, that he should not again execute his office, and that others should be deterred from acting in the same way. With this view, I shall move an humble address to his Majesty, praying his majesty to remove lord Melville from his councils for ever, and from all offices held during pleasure of the crown. The noble lord is not the only one by many who has given in his resignation to his majesty. The right hon. gent. opposite has heretofore done the same. But if lord Melville is suffered to retire with his dignities and riches, his resignation will not afford a satisfaction to public justice; and beyond that I do not wish to proceed. As to the punishment of the noble lord, if the public was not concerned, I would say, "go forth, let us hear of you no more." That which he has suffered by the disgraceful situation he has exposed himself to, is infinitely more than I wish him to feel: but the end of punishment is example, and unless he is punished beyond what he has already suffered, he is not sufficiently punished. We know that lord Melville, down to a very late period, has had the confidence of the crown; that the confidence of the crown has been expressed towards him so strongly, that, since the last administration, an addition of 1,500l. a year for life has been conferred on him. It is on the table, printed and known to the whole world, that after lord Melville's having retired to Scotland, I should have supposed for life, he was—by the exigencies of the country? no, but by the circumstances of the right hon. gent. opposite, called from his retirement, and given a situation of the greatest responsibility the crown had to give, except that which the right hon. gent. himself holds. He was to receive the emoluments of such office. That was not enough; he was to have 1,500l. a year more. That was not enough; for in case he retired, he was to have a grant for life—a patent office; for so long as he should hold the privy seal of Scotland he was to have 1,500l. a year. This is a man therefore under no ordinary circumstances. At the time of this advance, which perhaps it may be necessary to enquire into, there was also a grant to lady Melville of 1,500l. a year of the money of the public, for which no service has been rendered; granted, if not in a clandestine manner, at least in a way that those who affixed the seal to the patent did not understand the nature of it. What office lord Melville holds during pleasure, besides the one which he has resigned, I do not know; I do not know that a pension of the kind I have stated can be valid; or whether, supposing a servant of the crown to have misconducted himself, such a pension may not be revokable? If it is, it ought to be revoked; if it is not, so much more the pity. Having taken up more of the time of the house than I at first intended, I shall not longer intrude upon their attention, meaning to conduct myself as becomes me towards the members of the house, and particularly those who agreed with me, and trusting that those who disagreed with me on a former evening, will agree with me this night, because there may be many who will now imagine, that the house, having come to the resolutions founded on the report, ought not to stop short, and may therefore concur with me in the vote that lord Melville should be removed from his majesty's councils. In this hope, and with this view, and not meaning to be led away by my own suggestions, unless they should be supported by the house, and without any desire of pressing the house to a division, if it should appear that it is not actuated by sentiments similar to my own, I shall conclude by moving, "That an humble address be presented to his majesty, praying that his majesty will be graciously pleased to remove lord viscount Melville from all offices held under the crown during pleasure, and from his councils and presence for ever."—The question being put,

Mr. *Canning* rose, and spoke to the following purport. However strongly the hon. gent. who has just sat down has expressed his desire that the house should on this occasion attend merely to the call of impartial justice, and however desirous he may have been of disclaiming any other motives for the course he has pursued, than what proceeded from a wish to establish an example, such as may effectually prevent the recurrence of the like mischiefs and irregularities in future; I cannot help thinking, and I am pretty confident that many of those who have heard the hon. gentleman's speech are of the same opinion, that, notwithstanding his professions of moderation, he has introduced such topics and spoken in such a tone, as prove him to have been actuated by something more than the motives alleged, and indicate something much more bitter than appears to be warranted by the nature of the case under consideration. Gracious God! what measure of justice would the hon. gentleman deal out in this case? What is his object? In the interval that has elapsed since the house last separated, lord Melville has, in deference to the decision of this house, thought proper to resign the high office which he held in his Majesty's councils, and yet this ready compliance with your vote is stated by the hon. gentleman as an article of aggravation in the charges against the noble lord. The hon. gentleman has made that act of the noble lord a ground of accusation against him, and seems to have considered his deference to the authority of the house in the light of a subterfuge to evade or disappoint justice. What would have been the feelings and the animadversions of the hon. gent. what his expressions of indignation and resentment, if the house had met this day, lord Melville, instead of bowing to its decision, still continuing to hold the office of first lord of the admiralty? (A cry of hear! hear! from the opposition benches) Would he not have made that the ground of further and increased invective? (Still a loud cry of hear!) I take for granted, from the symptoms on the other side of the house, that the gentlemen there assent to these assertions; they would have considered lord Melville's continuance in office as an aggravation of his guilt; and yet they now condemn him for his prompt acquiescence in their wish. What course then is lord Melville to pursue to avoid their wrath, if what he has done, according to the notification of my right hon. friend, be made the ground of invective against him? and is this to be taken as a specimen of the fairness of the motives upon which gentlemen boast of acting, and of their impartiality in acting upon them? Sir, the hon. gent. has applied to me for information whether I have dismissed Mr. Trotter from the employment which he held under me in the navy pay office? I have told him that I have done so. After the decision of the house on Monday night, I could not have a moment's hesitation. Some gentlemen thought proper on a former evening to animadvert in terms of severity on my having retained Mr. Trotter in office, after the accusations, relative to which the house have decided, had been published against him. But of my conduct in that instance, I trust every candid man will approve. Mr. Trotter I considered on his trial, and whatever my own opinion might have been of the nature of the charge against him, and the degree of his guilt, it struck me that it would be extremely unfair to prejudice the public mind against his case, by dismissing him under such circumstances. He stood in such a situation that I could not feel it consistent with public justice, to fix a seal of infamy upon the man by dismissing him while his trial was pending. But the moment the sense of this house was known, when I no longer could prejudice a man whose guilt, till declared by a competent tribunal, I should have felt it unfair to prejudge by any act of mine, I removed Mr. Trotter; and my reasons for not removing him before that sense was known, will, I have no doubt, be deemed satisfactory by every dispassionate mind.—Nay, I have little doubt that although a learned gent. (Mr. Ponsonby) remarked with such severity on my conduct on a former evening, that hon. gentleman himself will, upon a little reflection, if he possess the mind and feelings of a British lawyer, be ready to confess that he was wrong, and that to have taken a different course from that which I have pursued would have been unfair, tyrannical, and oppressive. With regard to Mr. Wilson, who holds a secondary station in the navy pay office—to him I do not conceive that any imputation attaches, that would warrant me in acting towards him in the manner which the hon. gentleman desires. On the contrary, I consider Mr. Wilson to be one of the most industrious and deserving servants of the public. But, says the hon. gentleman, Mr. Wilson is reported by the commissioners as having given a reluctant testimony; as having refused to answer questions, lest they should tend to criminate himself. Sir, the conduct of Mr. Wilson before the commissioners of naval inquiry has been thus explained to me; and not to me only, but, if I am not much misinformed, to the naval commissioners themselves, I speak in the presence of one of them (sir C. Pole), who will correct me if I am wrong, though they have not thought fit to report that part of Mr. Wilson's evidence. Mr. Wilson acted occasionally, in the absence of the paymaster, and used to sign drafts in the usual form on the bank, for the money wanted for the office. If there was any legal guilt in the manner of executing this part of the duty of the paymaster, and that there was legal guilt in it must not now be doubted, since the house has so decided, Mr. Wilson, so far as he acted in this respect for the principal, participated in that legal guilt, and was liable, or thought himself liable, to whatever might be the legal consequences of it. That he had ever acted with a view to private emolument, has not been supposed or charged against him. His evidence upon oath expressly denies that imputation. The share which he had had, as substitute for another, in a practice pronounced illegal, Mr. Wilson naturally supposed would implicate him in the penalties applicable to the illegality of the transaction, and on that ground alone he declined to answer the interrogatories of the commissioners. But although the charge of legal guilt might attach to this man, I believe that he is perfectly free from any imputation on the score of morality. Still, though I entertain this opinion of Mr. Wilson, if this house pronounced a different opinion, I should bow to its authority, and remove him from office. But no such opinion has been declared, and I think him not at all fairly implicated in the guilt attributed to the transaction which led to this discussion. Why then should I comply with the wish expressed by the hon. gentleman? or with what justice could I sacrifice a man whom I conscientiously believe to be innocent, to suspicion, or to clamour; unless some new evidence should arise, or some competent tribunal should pronounce Mr. Wilson guilty? I have not, I cannot have, any personal partiality for Mr. Wilson, whom I know only as a clerk in my office: but I will mete out a different measure of justice to this or any other man whom circumstances may place in my power to what the hon. gentleman seems disposed to shew to lord Melville. But to return to the question; the hon. gent. has now renewed all the unfairness, and apparently forgotten and thrown aside all the fairness and moderation, of which he thought it necessary to assume the semblance at least in the last debate. He has resorted to every means of aggravating his charge: he has collected every circumstance that could tend to give an unfavourable impression against the object of his accusation, and has even construed the act which was a mark of the noble lord's deference to the house, and of his humiliation, into an aggravation of his criminality. The hon. gent. at one time calls particular parts of the tenth report dark and doubtful, which at another time he assumes to furnish clear and glaring evidence to aggravate the guilt of lord Melville. And he has travelled not only out of the charge itself, but out of the report, into the whole range of party politics, into the history of every action of lord Melville's political life, to collect topics, which have no natural relation to the subject properly before the house, and all calculated obviously to inflame the passions upon a charge which its advocates term an appeal to justice.—The hon. gent. tells you, that the motion this night is nothing more than a confirmation of the vote of the former night. But the vote of the former night, as amended, only declared that the noble lord had violated the law, but it did not charge him with having done so for private emolument. You have indeed recorded your opinion that lord Melville has been guilty of a violation of the act of parliament, in consequence of which certain advantages have resulted to another person. But you have not said that the noble lord has had any participation of such advantages, nor does any thing appear to justify such an inference. I trust, therefore, that when the hon. gent. so triumphantly declares his conviction that the house cannot act inconsistently with itself; that it will not disappoint the just expectation of the country; I trust, sir, he will not find himself mistaken. The house will follow up the vote of last night with consistency—that is, in the same sense and spirit in which that vote was given. The house will not disappoint the opinion which the country has conceived of its justice, temper, and wisdom, by first voting a man guilty of a lesser offence (I do not mean to vindicate lord Melville, or extenuate the infraction of the law for which you have held him responsible; but an offence merely legal is less in the eyes of every man than the gross moral guilt which the hon. gent. would now impute to him, and which he would fain persuade you, contrary to your own knowledge and recollection, you meant to impute to him yourselves), and then turning round and apportioning the punishment, not to the crime of which it has found lord Melville guilty, but to all the foul aspersions and aggravated charges which the hon. gent. has in this stage of the business thought it decent to heap upon him; to which charges the house is no party; and which it not only did not sanction by its vote of the last night, but upon deliberation refused to agree to even an ambiguous and doubtful affirmation of them.—The hon. gent. has disclaimed any other motive for his motion this night but a view to public justice. What has been already done towards that end? Is the state of humiliation to which the noble lord has been reduced nothing? Is such an end to such a political life nothing? Has not the noble lord already suffered quite enough to disarm any set of men not actuated by the most rancorous feeling of party enmity? And against whom is this enmity directed? Against one who never was himself suspected of deserving the character of a bitter political antagonist. In any of the public situations which lord Melville has occupied, I would challenge any man to produce an instance where party prejudice has been found to obstruct, or delay, or influence the promotion of merit, whether political or military.—Sir, the hon. gent. has congratulated his country on the extraordinary public virtue which has been manifested on this occasion. If he means the virtue displayed by the house of commons, I cordially agree with him. Whatever I may have presumed to think of the vote of Monday night, as hasty or premature, no man more heartily than I subscribes to the purity and integrity of the motives which dictated it. If the hon. gent. means to compliment himself on the part which he has taken, on the part which he this night takes, in urging the house to a rigour beyond the measure of justice, and, I venture to affirm, beyond the measure of its own feelings of what is right; I am far from presuming to deny his claim to that credit, for an exertion of virtue beyond the ordinary rate of most men's capacity, and beyond the usual practice of the country and the times in which we live. The hon. gent. must have gone far back into the times of ancient Greece and Rome to find models of that sort of virtue. There he will have found, no doubt, that when a great political delinquent was to be brought to justice, and an appeal made to the people to aggravate the severity of punishment, the accuser was not generally found among those who had received any injury from the accused; but among those whom he had served. And, sir, when I look back to the proceedings of this house in the year 1795, when I recollect the serious charges which were then brought forward against two most eminent commanders, now members of the other house of parliament (and for their services well entitled to that distinction); when I recollect that in the debates which arose upon those charges, their most active defender, their most indefatigable advocate, was that very noble lord who now is made the theme of the hon. gent.'s violence and invective; and when I see that noble lord, now no longer a minister, already pulled down from the high eminence on which he stood, and prostrate at the feet of the house of commons, no longer formidable from power or dangerous from influence; when I see him now, after his political existence has ceased, after the crimes of his political nature (be they what they may) have been severely visited upon him; when I see him now in this defenceless state persecuted and hunted down,—and by whom? by the friends of sir John Jervis and the kindred of sir Charles Grey;

I cannot, sir, refuse to the hon. gent. the praise of Spartan inflexibility, of more than Roman virtue: but while humbly and at a distance I admire the exertion of these high qualities in him, I pray to Almighty God to spare me the pain of being ever called upon to imitate his example!

Mr. *Grey*.—I rise, sir, under no inconsiderable share of embarrassment. I was in some doubt, whether I should take notice of the observations of the right hon. gent. at all. It is, indeed, unpleasant to me at all times to enter into any thing in this house where I am personally concerned. With regard to whatever I or my hon. relation have done, I do not feel that we have merited the reproof of the right hon. gent., since I do believe we neither of us have any obligation to confess to the zeal, impartiality, or ability of the noble lord. The right hon. gent. accuses me for the warmth I have displayed respecting this business, and in answer to this accusation it is only necessary to say, that I am quite unconscious of any such bitterness, and it would, I think, be rather difficult for the right hon. gent. to shew in what way it has been evinced. He chooses to congratulate me and my hon. friend near me (Mr. Whitbread) on our more than Spartan virtue in voting against the noble lord, who, as he alleges, was the champion of those who are dear to us by the ties of blood or the connexions of friendship. He tells us that the battle which the noble lord fought for these relations was disinterested, and he admires the return we have made for these magnanimous exertions. This, sir, is a strange kind of language; but it will be proper for me to call the attention of the house to the circumstances to which the right hon. gent. has alluded. It is sufficiently in the recollection of the house that these noble lords being in the service of government, received only bare justice from the ministers of the day. It will be recollected that among the few instances of military glory which distinguished the late war, the two noble lords, triumphing over difficulties of a very formidable nature, had eminently distinguished themselves. On their return to this country from the West Indies, some dissatisfaction arose, and an inquiry was proposed by some members of this house. What was the conduct of these noble persons on that occasion? Did they fly from justice? Did they wish to elude inquiry, or did they discover any anxiety to conceal their conduct behind any mean or dishonourable subterfuge? On the contrary, did they not court inquiry? Did they not call for the fullest investigation of every part of their conduct, and appeal to the fair decision of the house? The right hon. gent. has spoken as if these noble persons received favours from the noble lord who appeared in their defence; but I utterly disclaim the existence of any such favours. The noble lord defended them because they had served with credit and honour those by whom they were employed. This sort of justice was due, not merely to their particular merits, but it was due to the country whose interests they had promoted. Will the right hon. gent. opposite, who, on the occasion when the motion for an inquiry was brought forward, moved the amendment, say, that he did not seriously believe that the charge was unfounded—will he say that he was not convinced that their conduct, so far from being liable to censure, was entitled to the highest approbation and gratitude? Am I then to be told that the noble lord who appeared in defence of the noble lords was conferring a favour on them, or any of those with whom they were connected? Am I to hold myself under obligations to the noble lord for a defence of those gallant officers, whom he himself had employed, and who had signalized themselves in the public service? The right hon. gent., however, takes some merit to the noble lord for employing those who were known not to be in all cases favourable to the administration of that period. Without dwelling on this point, or ascertaining how far the noble lords at that time differed from ministers, it is sufficient for me to say, that to employ naval and military men of all different parties, is no proof of the moderation of ministers. They are compelled, whether they will or not, to employ the services of those who are distinguished by their talents or their experience, and the minister who would act otherwise would soon find that he could not long persevere in arrangements utterly repugnant both to the feelings of this house and the country. It is hardly possible to conceive ministers guilty of a greater crime than refusing the services of persons of known talents, and to whose employment the only existing objection is some differences of political opinion. But the right hon. gent. has represented the defence of those noble persons as a work of great difficulty. It is of consequence to see, then, how the case really stands. Why, sir, as nearly as I can recollect, though I do not remember what was the majority, only sixteen members, that is the odd numbers on the division of Monday, could be found to support that charge now represented as so formidable. The case was one of the plainest and least intricate that can be supposed, and, therefore, the noble lord's defence was, in point of difficulty, trifling, and, in point of justice, the noble lords had a right to expect it from those who employed them. I have been obliged to say so much on this topic, for, after what fell from the right hon. gent., it was quite impossible for me to have remained silent. Indeed, the right hon. gent.'s allusion to this business was equally ill judged and impolitic. It was calculated to excite unpleasant feelings, without at all advancing that cause which he affected to support. The right hon. gent. has alluded to the warmth with which the noble lord has been attacked; but, really, I am at a loss to discover where the least evidence of it has been exhibited. I have felt no personal warmth or vindictive spirit on the subject, and I am sure no part of the conduct of my hon. friend has betrayed any appearance of a rancorous spirit. I have supported my hon. friend from a sense of duty, and I only regret that I have been prevented from taking that share in the discussion which I could have wished. The right hon. gent. talks of rancour, of which no trace has appeared; but though there has been no rancour, it was impossible not to feel strong indignation when instances of strong delinquency were discovered. My hon. friend urged these delinquencies, with that force which was peculiar to himself; but he never resorted to asperity of observation. He wished only the ends of justice to be fulfilled; but when this object is accomplished, I am sure that my hon. friend will never think for a moment of vindictive measures of punishment. It is with a view to have these ends of justice satisfied that the motion of my hon. friend has this evening been brought forward; but he has declared that if a satisfactory assurance is given that lord Melville has closed his political life, he has no wish to press the motion at the present moment. This surely is no evidence of rancour, of which the right hon. gent. speaks so loudly in his speech. As to the necessity of the motion I have no sort of hesitation in saying, that unless something is added to the resolutions of Monday night, they are left incomplete. After saying that the noble lord had been guilty of a gross violation of an act of parliament, and a high breach of his duty, we shall not discharge our duty to the country without following up such resolutions by some corresponding measures. Without some others it is almost a nullity to suffer the resolutions of Monday to remain on the journals of the house. My hon. friend has said, and has said with truth, that the notification of the resignation of the noble lord by the right hon. gent. is far from satisfying either the house or the country. The resignation of the noble lord, at another period, might have been very proper, but under the present circumstances of the country, his mere resignation of his situation as first lord of the admiralty is far from coming up to the spirit of those resolutions which will afford such general satisfaction in every part of the empire. Lord Melville's resignation after the resolutions of Monday was altogether a matter of course. Neither he nor any other man dared to have continued in power after the opinion of this house was so solemnly and so beneficially expressed. The resignation has taken place; but what security have we obtained that he may not, in a very short time, be recalled to a very confidential situation under the crown? The house will bear in mind that the noble lord still continues a privy counsellor, and one part of my hon. friend's motion is, that he be dismissed, not only from his majesty's councils, but from his presence for ever. It is not at the same time to be forgotten that the noble lord at this time is actually in possession of several lucrative offices held during pleasure; and I do not think that, after the resolutions we have passed, his removal from these would be at all carrying punishment to an improper length. After the declarations we have made, can we take any precautions too strong to insure the object which the majority of the house professed to have in view? The right hon. gent. rests a great deal on delicacy, as an argument for resisting my hon. friend's motion. I, sir, am a friend to delicacy, where it can be exercised consistently with justice; but I can never accede to a proposition for screening convicted guilt from adequate punishment, by any scruples which false delicacy would impose. With a wish then that our resolutions should not be evaded, but carried into the fullest effect, I should certainly be desirous of seeing my hon. friend's motion adopted, as at once the most consistent with our honour, most agreeable to the calls of justice, most consonant to the expectations of the country. I shall say only a few words on some other topics which the right hon. gent. has thought fit to introduce into his speech. The right hon. gent. has spoken of the arbitrary and despotic doctrines brought forward by my hon. and learned relation behind me (Mr. George Ponsonby); but as my hon. and learned relation is himself so competent, it is not necessary for me to trouble you with many observations. But I may just be permitted to ask, whether there be any thing extraordinary or inconsistent with justice, any thing inconsistent with the character of a British lawyer, any thing at all tyrannical or despotic, in having a person accused of a most aggravated crime secured previous to his trial? Could this be called a prejudging of the cause? As well might we be accused of prejudging a criminal, because we found it necessary to shut him up in a prison previous to the proofs of his guilt being fully or fairly considered. Here, however, we were talking of a person not accused, but found guilty. I put it to the house, whether, after the circumstances of Trotter's conduct were known, it was at all decent to employ him in a situation which he had previously employed to the most improper purposes. If Trotter was not dismissed, he ought surely to have been suspended from his office, till the inquiry in this house was closed. The right hon. gent. has advanced nothing to shew that it was not his duty to have followed this course. His whole speech, indeed, was nothing but idle rant and fury, containing nothing addressed to the reason of the house, nothing which affords the least proof that the motion of my hon. friend should not be adopted, as the natural consequence of the previous resolutions. Conceiving, then, this to be the case, I shall support the motion as called for by every principle of honour, every demand of justice, and every feeling of regard for our character.

Mr. *George Ponsonby*—Mr Speaker; after being so pointedly and personally alluded to by the right hon. gent., I hope I shall be favoured with the attention of the house for a few moments. Since first I had the honour of a seat in this house, I will not attempt to deny that it has ever been my ardent wish to stand high in the esteem of all the members of whom it is composed. After the vote of Monday, however, a vote so honourable to the character of this assembly, a vote which has exalted its character among all orders in the state who value independence and worth, I confess, that to stand well in your opinion has become a matter of the utmost anxiety. The right hon. gent. has chosen to say, that if I had been a British lawyer I never could possibly have brought forward those tyrannical, despotic, and oppressive doctrines which he supposes me to have delivered. Of having uttered any such language as could convey the idea of arbitrary principles or practices, I am utterly unconscious. I was followed by a right hon. gent. who is unquestionably one of the most sound and constitutional lawyers, and a judge in one of the highest courts in the kingdom, and it is rather remarkable that he took not the least notice of these supposed arbitrary doctrines, though he did me the honour to allude to several parts of my speech. If such doctrines had been contained in what I then advanced, it is next to impossible that they should have escaped the observation of his penetrating and comprehensive mind. If I did lay down arbitrary doctrines, they are the same doctrines which many of the most eminent lawyers that this country ever saw have not scrupled to avow. The right hon. gent. however, tells me that if I were a British lawyer, I could not possibly avow the principles he imputes to me. I am not ashamed at any time, sir, or under any circumstances, of my country, and I hope I shall never be guilty of an action which will give my country cause to be ashamed of me. As, however, the right hon. gent. rests so much on my not being a British lawyer, I beg leave to inform him, that I have as good British blood flowing in my veins as the right hon. gent. can boast of in his. I cannot boast of having arrived at so early a period of life as the right hon. gent. at the honours and rewards which the right hon. gentleman now enjoys. What I have earned of honours and rewards have been the result of long labours and painful exertion; but this I can safely assure the house, that never till now have I been accused of being an arbitrary or unconstitutional lawyer. I said, sir, alluding to the case of Mr. Trotter, that circumstances had been disclosed which shewed that he ought not to have been employed in the office of paymaster of the navy, and I am still of the same opinion. But on what principle is it that the right hon. gent. accuses this declaration as inconsistent with the principles of justice? What are these principles? they are plainly these:—that Mr. Trotter had, by his own evidence, proved his guilt; and that the testimony of his friend and patron, lord Melville, instead of weakening, strengthened this opinion. I ask, then, after such evidence was given before the commissioners, if it would have been at all extraordinary or unjust to have suspended Mr. Trotter till his innocence or guilt was fully ascertained? I say, in such a suspension there was no prejudice. There was, on the contrary, that strict regard to the proper application of the public money, with which the employment of a person even suspected of malversation does not appear to me to be very consistent. If the right hon. member had acted in this way I am fully sensible that neither the house nor the country would have blamed him for his arbitrary or despotic proceedings. I entertain a sincere respect for the right hon. gentleman's talents. Indeed it is not conceivable that without great talents he should, at so early a period of life, have risen to that elevation in the state in which he is now placed. With all my respect for his abilities, however, I must insist, that when he next honours my observations with his notice, he will take a little pains to state accurately what I say, for I protest, with all my esteem for his talents, I should not relish the idea of his making speeches for me.—Having said this with respect to the arbitrary doctrines of which he accuses me, I shall, before I sit down say a few words on the general question before the house. My hon. friend seems to me to have framed his motion on the most consistent principles. He very properly says, that though the right hon. gent. opposite (Mr. Pitt) has intimated to us the resignation of lord Melville's situation of first lord of the admiralty, he has not told us, what is much more important, what is much more intimately connected with the resolutions of Monday night, that lord Melville has closed his political life; that he is never more to have any share in the administration of the affairs of this great empire. We all know what are the connections of the noble lord, how far extended are the resources of his influence. None of us are ignorant how intimately he possesses the confidence of the ministers of the crown, and how anxious they would, at any time, be to receive his advice and support. We have, independent of a motion similar to that of my hon. friend, no security against his return to power, a thing totally inconsistent with the resolutions of Monday, and which would render them mere waste paper on the journals. But even admitting that lord Melville did nominally retire, let it be kept in mind that he still continues a privy councellor, as my hon. friend below me (Mr. Grey) has already very properly remarked. While the connection of the noble lord with the administration of the country continues such as it now is, I profess that I am not satisfied that we have gained what our grand struggle of Monday so justly entitled us to expect. Let me suppose that this intimacy continues, and that the minister employs his influence to misrepresent and vilify the decisions of this house. Let me suppose that the press is hired into the service, and that the public are told, in publication after publication, by the friends and creatures of ministers, that lord Melville has been run down by a desperate faction in this house—that he has been condemned unheard—that he offered to call evidence to prove the falsity of the accusations against him, but was refused—that, in short, he is a much persecuted, and much injured man. Let me suppose that, by these delusions, the strong sentiments of honourable indignation which now actuate the public mind are a good deal deadened, and that the minister, availing himself of these favourable changes, should, during the recess of parliament, venture on the daring measure of once more recommending lord Melville to the service of his sovereign, and that his majesty, fatally yielding to this recommendation, should once more receive him into his councils. Let me suppose this, which is not by any means an impossible case, and what then is to become of all our resolutions, of all our efforts to stem the growth of corruption, of all our exertions to bring peculators, however elevated their rank, or extensive their influence, to an ignominious punishment? It is to guard equally against this and any similar case that I am inclined to support the motion of my hon. friend. The right hon. gent. strongly recommends to us the propriety of leniency in our proceedings; I am no enemy to leniency when properly exerted, and I have no wish that the noble lord should be treated with unnecessary severity; but, before I can be lenient, I must know that the cause of public justice is secure. I must be satisfied that the noble lord shall not again have it in his power to have any weight in our national councils. I wish to have the public money placed safely beyond the reach of the corrupt and profligate. I am willing to shew as much tenderness as possible to the noble lord, though I confess I never had the honour to exchange one word with him in the whole course of my life; but I shall be a party in lenity to no man till I have provided against peculation among great public men. I am clear, sir, for making every public delinquent refund what he has unjustly obtained out of the public purse, and I shall certainly support my hon. friend in all his motions for carrying through this glorious work of reform. While I shall support the motions for calling lord Melville and Mr. Trotter to a strict account, I shall be equally a friend to any investigation of the control exercised by the treasury over the inferior offices. It is the duty of the treasury to see that negligence and waste do not exist in the inferior departments. I do not impute corrupt practices to the right hon. gent. at the head of the treasury, for I do not like to impute corruption to any one without strong evidence; but I do see from the report, that the superintendance of the treasury has, in many instances, been criminally relaxed. The rank of the commissioners is not to screen them from inquiry; and I trust the future proceedings of the house will fully prove the truth of this opinion. Though I am a representative for another part of the kingdom, I shall feel no hesitation in saying that I consider myself as much a representative for Great Britain as for Ireland, and on all occasions shall endeavour to act on this liberal principle. If the motion is persisted in, it certainly shall have my cordial vote.

Mr. *Canning* explained, and stated that lord Melville was as effectually excluded from his majesty's councils, by what had already taken place, as he could be by any resolution of the house to that effect.

Mr. *Samuel Thornton* rose, in consequence of the allusion made this night and on a preceding one, to the evidence of an experienced and meritorious officer of the bank before the commissioners of naval enquiry. That officer (Mr. Newland) had there intimated that the drafts passed by the treasurer had not always expressed the service on which they were drawn, conformably to the provisions of the act of parliament. If this were the case, the bank were certainly to blame, as he held in his hand a copy of the power under which the paymaster had passed his drafts from the year 1786 until the resignation of lord Melville; this power stated in express words, "that he should be particularly careful to specify in each and every draft the service for which the money was drawn." The fact was, that Mr. Newland, though at the head of the cashier's department of the bank, was not the officer under whose inspection the detail of this branch of business was carried on, and therefore had only delivered a matter of opinion. The officer who paid the drafts from the navy office had assured the hon. member, that after every research in his power, and to the best of his recollection, no draft had ever been paid without specifying the service. Since August, 1803, the mode of conducting the business had been varied, and sums were written off at once by the bank from the treasurer's account to that of the sub-paymasters of the navy, which accounts were kept also with that corporation.—The hon. gent. mentioned that allusions had been made to certain communications in which he was reported to be a party: but herein he begged to set the house right, and, as far as respected him, he could assure them they were founded in mistake. What might have passed with any other gentlemen they could themselves best explain. With respect to Mr. Trotter and Mr. Wilson, every apprehension that they could any longer abuse the confidence of their employer, or misapply the public money, were at an end. The right hon. gent. (Mr. Canning) had sent an order this morning to the bank, prohibiting any money being given to any person connected with the naval department, without a draft signed by himself. —The hon. gent. said, that he had voted in favour of the resolutions, because he thought it his duty, because the noble lord, in his opinion, had committed abuses; but he was unwilling to go farther till he should obtain more evidence than the house had yet before them of the motives from which that noble lord had acted. That his lordship had permitted the commission of abuses he was ready to admit, and had voted accordingly, but that his conduct had proceeded from corrupt motives, he thought remained yet to be proved; and notwithstanding, therefore, the vote he had given on Monday night, he could by no means go along with the hon. gent. in his motion of to-night. He could not help recollecting how long the noble lord had been an able and active servant of the public. From this recollection, he had given his former vote with regret; and, from the same circumstance, could not be induced to go farther, unless from the most positive evidence of the corrupt intention of the noble lord, which evidence was not at present of such a nature as to justify any farther proceedings.

Mr. *Barham* was of opinion, that the allusion made by the right hon. gent. (Mr. Canning) to the two honourable persons whose naval and military conduct had been the subject of inquiry in that house the beginning of last war, was very injudicious, and could serve no useful purpose. The part which he himself had taken in that discussion he had been prompted to by what he had at that time conceived to be a sense of duty, however painful he had felt the task. The two noble lords, however, had been amply acquitted by a vote of the house, and had since justified the good opinion of the public. In regard to the question now before the house, he thought this step moved by the hon. gent. absolutely necessary to carry into effect the resolutions formerly voted. It was by such a measure only they could tell his majesty that such persons were improper to hold any office of trust or confidence. This opinion, he maintained, originated in no motives of personal animosity to the noble lord. Hardly any, he believed, had fewer enemies than that noble lord, and far should he be from supporting any measure that he thought had its origin in the smallest degree from a rancorous or persecuting spirit. On the contrary, this, he maintained, was a measure of justice, and essential to the honour and dignity of the house. He hoped, therefore, the motion would be persisted in.

Mr. *Bankes* disavowed any political connexions that could warp his judgment on any great question of justice or policy. The vote he had given on Monday night had been purely disinterested, and had not arisen from the influence of any party. He disapproved of the abuses that had taken place, and had voted accordingly. He would take the liberty, however, though unconnected with any party, to recommend to the hon. gent. not to persist in his present motion. Was the hon. gent. certain that the circumstances of the case, taken in the whole, would warrant such a measure? At any rate, he thought it extremely ill-timed; and the same sense of duty that had prompted him to vote with the hon. gent. on Monday night would also induce him to resist the present motion. The design of the adjournment on the former night, was avowedly to decline any measure on the part of the house till they should see if his majesty would, from the suggestions of his own royal breast, take any step that might supersede the necessity of any further operations on the part of the house. The result had been favourable to the wishes of the house, and had rendered, in his opinion, this measure unnecessary. But why, he asked, such eagerness to follow up the blow that had been already given? for this, he understood, was but a part of the measures that were intended to be adopted, and that other enquiries were also to be instituted. He should be told that it was to prevent the noble lord from ever again returning to his majesty's councils; but there was no probability, in his opinion, that he would again be restored. Indeed, he said, it might not be impossible but farther inquiries might lead to discoveries that might render an impeachment necessary. He did not by any means say that such would be the effect of farther inquiry, but that such might be the effect was not impossible. Should such, however, be the effect, it would then be time enough to have recourse to such measures, for at present he deemed them premature. It had been said, that the resolutions of the former night would prove ineffectual, would be attended with no material advantage, unless followed up by a measure of the description of that proposed by the hon. gent.; but it was generally understood that night, he contended, when those resolutions passed, that no farther measures were to be adopted. Had this motion immediately followed the resolutions, it might have been considered as a necessary corollary to those resolutions, and might, as such, have met his support; but the necessity of the measure no longer existed. The step proposed to the house was, besides, contrary to all the precedents with which he was acquainted. So far as his knowledge or experience extended, it never had been the usage of the house to address his majesty against persons out of office. Such was the case in respect to sir Robert Walpole, lord Ranelagh, and others whom the hon. gent. mentioned, against whom no address of removal had been presented to his majesty, though previously perhaps in the contemplation of parliament, when no longer in office. Indeed the very idea was sufficiently absurd, because it was not possible to remove from office those who were in no office. At all events, if the matter was to undergo a full discussion, as intimated by the hon. gent., he would much rather delay any farther proceedings till the result of those inquiries should be ascertained. When the house should have the whole before them, they could then more justly estimate the degree of odium that was to be attached to a conduct which, though irregular, and in violation of an act of parliament, might yet admit of many circumstances of mitigation. In such a discovery he declared he would have much more pleasure than he experienced before in the vote he gave in favour of the resolutions.

Mr. *Windham*, though not generally in

the habit of agreeing with the hon. gent. who had just sat down, (for he and the hon. gent. were rarely on the same side of the question, though they often sat on the same bench,) agreed with him in one point at present. If the qualification proposed could be acceded to, consistently with the feelings of the house, the motion made by his hon. friend should not be brought forward. What gentlemen would have agreed to on the last night was exactly the same they were so desirous to put off this night. The only object was to ascertain whether the proceeding recommended was in substance the same as the motion, which was more consistent with the custom and regular form of the house. He censured those who had recourse to argument founded on delicacy and soft sentiment, which should never be introduced or countenanced in a grave assembly. He was less interested for the noble lord from private motives than many others, though he was not uninterested. But when that interest was made use of to influence the decision of a question, of which was the best mode for the house to do its duty, he could not listen to it. If this resolution was a necessary corollary the other night, he saw no reason why it should not be a necessary corollary now. The motion went far beyond what had been done, inasmuch as what had been done was no security for the perpetual exclusion of the noble lord, though it was to be expected he would not be reinstated. The only excuse that could be offered to the public for not following up the resolution agreed to on the other night was, that in the progress of the future investigation matter of extenuation may come out. He did not think that could be. He thought the house justified in the vote of the last night, because the whole of the case was before them. If he did not think so, God forbid that he should object to any thing that could place the case in a fuller or purer view! There was nothing to impeach the decision then made on the fairest motives: he should, therefore, require a promise or declaration, which would render it impossible to restore lord Melville. Otherwise, he had such a hold of those who were in power; they were so linked and connected together, that an attempt may be made to counteract what the house had done. One instance was well known, in which, after a censure more strong than that now passed upon lord Melville, the noble person recovered his situation, and the highest honours of the country were showered on him. What the house pronounced in its best judgment should therefore not be given up under less than an express pledge for what was implied in the resolution of the former night. It was, therefore, necessary to follow up the resolutions, in order to have security for the future. A right hon. gent. (Mr. Canning) had said, that it ought to be a rule not to proceed with passion and violence; a good rule, certainly; but extremely ill observed on the part of the right hon. gent. himself. Had they gone beyond the line? If they had, let it be shewn by argument, and let it not rest upon the intemperate assertions of the right hon. gent. Parliament had made a great effort, such a one as, he was persuaded, would entitle them to the thanks and gratitude of the whole kingdom; he wished that they should continue those efforts; he wished to take security against their falling off. It would be a lamentable instance of the mutability of opinion, if they should forfeit, by indifference or langour, the high honours which their conduct on the preceding evening had obtained them from all sorts of people, honours "which should be worn now in their newest gloss." The right hon. gent. had indulged himself in the use of some strong expressions against the force of popular prejudice and clamour; in that he fully coincided with him. To yield upon any occasion to public clamour, so far as to condemn any one upon it, would be, in his opinion, one of the meanest and most unjust acts of which a deliberative body could be capable. But as the noble lord had not, as he would contend, been condemned under the influence of public clamour, he conceived it the duty of the house to proceed and follow up their resolutions of Monday, by agreeing to the motion of his hon. friend. Leaving out of the question all idea of participation in the profits derived from the use of the public monies, and looking only to the abstract crime, the bare and naked violation of an act of parliament, still he would maintain, that the house was in duty bound, if they valued consistency, if they valued the maintenance of their own honour, to proceed and to pass the motion made by his hon. friend as a necessary inference and corollary from the resolutions to which they had agreed on Monday. Gentlemen would do well to recollect, that they were not in a court of strict judicial proceedings, but in a court where the interests, the honour, and the feelings of the people were to be considered. They were not to be fettered by the ordinary maxims of the judicial tribunals, but the privileges of parliament were to be asserted by them in that mode which they thought most likely to establish and preserve them. The noble lord was undoubtedly carus amicis, and he had no objection that he should long remain so; but it was as true, that he was no longer idoneus patriæ; and, therefore, he thought it necessary that the house should declare so. If it was understood that the noble lord should not be appointed to any place of trust and confidence, as long as the resolutions agreed to on Monday remained on the journals, that may be urged as an argument against the adoption of his hon. friend's motion; but, after what had passed, it was his opinion that the house if it wished to be consistent with itself should agree to the motion foran address to his majesty.

The *Chancellor of the Exchequer*.—As the right hon. gent. has thus required some specific explanation, and it appears to be the wish of several other gentlemen that I should give some sort of pledge on the subject of the noble lord's return to power, I rise to say a very few words, solely for the purpose of explanation, and not with the view of at all arguing the question. What I now say, I take it for granted, then, will not preclude me from again addressing the house, if the debate should be continued. It is my wish that the noble lord should be treated as far as possible with those feelings of liberality, and if such a pledge as that which the right hon. gent. who has just sat down had alluded to could prevent the necessity of persisting in the motion, I am sure that every legitimate object would be accomplished. I have no hesitation at all, accordingly, in saying, that all idea of the noble lord's return to power is completely annihilated, and that no danger whatever need be apprehended from this quarter. When I make this frank declaration, I only wish it to be understood that this is not to be understood as continuing in force in case the resolutions of Monday should, on future inquiries, be found to have been premature, and should accordingly be erased from the journals of the house. In any other case but this, I think it is absolutely impossible that any minister should ever think of recommending the noble lord to a share in his majesty's councils. After this declaration, I do think that the motion of the hon. gent. might be dispensed with, without at all losing sight of the object he professes to have in view. The house are now agreed as to the general principle, and they only differ as to the mode in which that principle is to be reduced to practice. I think the explanation I have now given is sufficient to remove all that apprehension on which the hon. gent. grounds his motion, and surely it would be but an act of common liberality to the noble lord and his numerous friends to proceed in the way most agreeable to temperance and moderation. I trust, therefore, the hon. gent. will not persist in pressing the house to a division on his motion.

Mr. *Fox* began by adverting to the manner in which the motion had been spoken of by the hon. gent. (Mr. Banks) on the same bench. The hon. gent. allowed that the present motion was a corollary from the resolution of Monday, and declared that if it had been put from the chair immediately after the other resolutions were passed, he must in consistency have given it his support. He wished to know, why he might not equally vote for the motion now, since whatever argument existed for the motion at that time, remained now in full force? The only reason which induced a postponement of the motion then, was the lateness of the hour, and that was the only consideration which induced him to recommend to his hon. friend not to submit his motion till the next meeting of the house. He had frequently seen and complained of the inconveniencies of hurrying through important motions at a very late hour, and as some debate was naturally to be expected on so interesting a subject, he was anxious that every gentleman should have an opportunity of delivering his sentiments. He had said, that among other advantages which would attend the delay would be that of giving the ministry an opportunity of properly performing their duty; but he never even hinted that the identical motion which his hon. friend now submitted to the house would not be brought forward. If the support of the hon. gent. to the bill was, therefore, now lost, it was entirely lost, because his hon. friend and himself had proceeded on a pledge that the motion would be adopted as an obvious corollary from the Resolutions, and that, viewing it in this light, they had yielded to the argumentum ad vericundiam.—After these introductory observations, Mr. Fox proceeded in substance as follows:—The right hon. gent. who spoke second in the debate, has delivered himself in a manner so extraordinary and injudicious, that it is really hardly worth while to take notice of his observations. The resolutions of the house on Monday night, seem so completely to have irritated the right hon. gent. and so fully to have overpowered his mind, that he has this evening taken an opportunity of throwing forth his indignation without providing himself with any grounds on which to exercise it. He has chosen to attack, without the slightest appearance of truth, my learned and hon. friend (Mr. G. Ponsonby) as the author of arbitrary and despotic doctrines, and on this I shall not long detain the house after what my learned and hon. friend has said, in so satisfactory a manner. The right hon. gent. accuses my hon. and learned friend of arbitrary doctrines, because he says, that a person proved by evidence to have been guilty of a most corrupt use of the public money, should at least be suspended from his office till the charges against him be fully investigated. Now, all that I have to say on this is, simply, that if such doctrine be arbitrary, the most eminent lawyers in the kingdom have never been backward to promulgate it. It is a doctrine universally acknowledged and acted on in all the relations of life. When we hear or read of a servant, or a steward suspected of peculation or any other breach of trust, and not merely suspected, but actually confessing guilt, we of course order them to quit the office where the grounds of suspicion arose, conceiving that persons so situated are utterly unworthy of trust. But, perhaps the right hon. gent. meant to take up the business of the Tenth Report, and was therefore unwilling to incur the charge of prejudice by the discharge of Mr. Trotter before the trial took place. Under what circumstances is it that the right hon. gent. determined to retain Mr. Trotter in the important office of paymaster of the navy? He had heard that before the commissioners he refused in some cases to answer questions at all, and in others had given equivocating replies. He had heard that he not only refused to answer questions to which, supposing him innocent, the reply was quite obvious, but he had known Mr. Trotter to have used every effort to retard the investigation of the commissioners, and after all this previous knowledge, the right hon. gent. retains him in his employment as paymaster. What, then, is the reason for this most extraordinary conduct? It is, sir, that Trotter's case was *sub judice*, and the right hon. gent. does not wish to prejudge him on his trial. The right hon. gent. has this evening declared that Trotter is dismissed, when he is as much *sub judice* as he has been at any period since the commissioners finished their examination. Mr. Trotter has not been formally condemned by the house, for we have found him guilty only collaterally, our resolutions on Monday evening being exclusively directed against lord Melville. Perhaps, sir, the right hon. gent. was alarmed by the impression made by our proceedings, (and they were well calculated to make an impression on persons like the right. hon. gent.,) and by a sudden impulse of feeling thought it most prudent to discharge Mr. Trotter without further delay. I cannot impute this decision to any other principle, for all the reasons that operated for retaining Trotter for several months back still continue in force.—The next feature in the very extraordinary speech of the right hon. gent. were the arguments he used for the lenient application of our resolutions against lord Melville, and the circumstances on which this lenity is to be founded. Perhaps, in what I am now about to say, the right hon. gent. may think me bitter and rancorous, but, in spite of this, I feel myself called on to say, that I shall never sit in this house and patiently hear these extravagant panegyrics on lord Melville's public conduct. I am at a loss where to find what are the circumstances which are to incline us so powerfully to mercy. What particular claims does he possess to induce the house to pass over his aggravated offence with a comparatively trifling punishment? Is this motive to lenity to be found in the eagerness which his lordship has ever shewn to heap up emoluments, and to systematize corruption? Is it in the gift of the chamberlainship of Fife granted to his wife, with arrears to a vast amount, procured under false pretences? Is it in procuring a year ago fifteen hundred a year in addition, not, sir, to the salary of first lord of the admiralty, for I know that is very inadequately paid, but in addition to his salary as lord privy seal for Scotland? But, sir, the right hon. gent. lays a great deal of stress on his discovering no political or party partialities in the appointment of officers, either for the naval or military service. I deny, sir, that there is the least merit in this supposed impartiality. It is what every minister, whatever he is, is obliged to preserve an appearance of, as an open dereliction of it would be attended with instant disgrace. I need not remind the house that lord North sent sir Charles Saunders and admiral Keppel to Faulkland Islands, though that expedition unfortunately failed. Indeed party distinctions were almost always from necessity overlooked. But, sir, I cannot hear the right hon. gent. stating that the noble lord was free from party violence, without reminding the house of one or two circumstances, which demonstrate the existence of party spirit in all its most intolerant and disgusting features. I shall mention one, sir, which fell within my own knowledge, and which will fully illustrate my position. At a period of the late war, when the danger of invasion was supposed to be at the height, when offers of voluntary service were eagerly accepted, a numerous and loyal body of men in Tavistock made a tender of their services. The tender was refused by this self same moderate lord Melville, on the sole ground, for no other could be alleged, that the corps, when raised, was to be commanded by the late duke of Bedford. It may perhaps be imagined, that my feelings at the recollection of the deceased are so strong as to hurry me into some degree of exaggeration; but I solemnly protest that I am stating the matter precisely as it happened. And yet, sir, we are to hear of lord Melville's moderation and perfect freedom from all party spirit. There is another circumstance, which also pretty strongly illustrates his lordship's forbearance and superiority to any of the workings of the angry passions. It is well known that the dean of the faculty of advocates in Edinburgh is generally the most eminent person in the profession, and that it is seldom customary to interfere with him from any political considerations. Yet this mild and moderate lord Melville actually did interfere, and by employing all the influence of government against the hon. Henry Erskine, a gentleman confessedly the most eminent at the Scotch bar, was actually dispossessed of a situation which he had for many years held with the greatest honour and credit. So much, sir, for the boasted liberallity of the noble lord, which we are called on to look to for a motive to influence our decision!—As to the favour bestowed on two noble lords, on which the right hon. gent. rested so much stress, I entirely agree with my hon. friend near me (Mr. Grey) in every one of his observations. The right hon. gent. says, that my two hon. friends must possess more than Spartan virtue to be able to follow that line of accusation against the noble lord which they had pursued. If extraordinary exertions in virtue were required, I do not know any men in whom they would be more readily found than in my hon. friends. But I must beg leave to say, that they are under no obligations to the noble lord for the defence he made of those relations, to whom they were naturally so strongly attached. Sir Charles Grey and sir John Jarvis, were selected for a very difficult service in the West-Indies; which they performed with gallantry. Some misunderstanding, however, arising, they returned, and a charge was preferred against them in this house. If I recollect right, there were three divisions on the subject, when the minority were successively thirteen, fourteen, and seventeen, and this was the formidable phalanx which the noble lord had so much merit in combating. I take it for granted that he believed the charge to be false; and if he did believe it to be unfounded, what merit had he in defending the gallant officers? It was no more than an indispensible duty to those whom he had employed on a difficult service, which they executed with promptitude, vigour, and success. If this be merit, it is impossible to say, sir, how far the line of obligation may be extended.—An hon. gent. under the gallery (Mr. Samuel Thornton), has given a curious reason for voting for the resolutions on Monday night, on which it is impossible for me not to make a few observations. He says, that he voted for the motion, conceiving the noble lord guilty of a certain degree of negligence and inattention. I confess I am utterly astonished at such a declaration, after attending to the language of our resolution, that the noble lord had been guilty of a gross violation of an act of parliament, and a high breach of duty. Surely, sir, this heavy charge is not to be confounded with inattention and negligence. How the hon. member could have misunderstood them, is to me incomprehensible, as they were particularly objected to on the other side of the house. With respect to the resolutions, it appears to me that they complete the criminal part of the charge against the noble lord, and I am not at present for pressing any further proceedings in that way. If the attorney general is to proceed against him for refunding the money derived from profits of money misapplied, this will be by civil, and not by criminal action, for recovery of money is always ranked among the civil actions. The same observation will apply to any action for recovering grants obtained under false pretences. I have the less objection to press the motion in the mean time, on the grounds of the pledge which the rt. hon. gent. has this night so distinctly given to the house. I find, sir, after a careful examination, that during his majesty's long reign, now a period of nearly forty-five years, only the late duke of Devonshire and myself, have been dismissed his majesty's councils, and I assure you, sir, we want no such person as the noble lord to be our associate. I had almost forgotten Mr. Grattan, who had the like fortune in Ireland. I believe the representatives of the late duke of Devonshire would have no objection, and I am sure I should be proud in his joining our small circle. None of us could, however, be proud of any connexion with such a man as lord Melville has shewn himself to be throughout his whole career of life. I have said, sir, that I would not now press the motion to a discussion, in consequence of the right hon. gent.'s pledge, but I should be grieved indeed to see the resolutions passed without being followed by some lasting result. Such a work as that which we on Monday accomplished must not be suffered to pass away unimproved. From one end of the empire to the other the people will rejoice in the hope that a better system is about to be adopted, and we must not let their just expectations be disappointed. It is necessary for us by making lord Melville a signal mark of the vengeance of this house to shew the country that we are indeed their representatives; that we are determined equally to watch over their property and their liberties. The public have received our work with the purest gratitude, but is there no part of this great work to belong to the government?—Is his majesty to have no opportunity of manifesting his paternal interests on the subject? In what situation do we leave our sovereign? The people applaud us in the warmest terms. They say the house of commons have taken up our cause againt the whole host of contractors and peculators. The house of lords may do the same; and shall not our beneficent sovereign have an opportunity of expressing the warm interest he takes in every plan for alleviating the burdens and improving the condition of his people? I admire this house as the corner stone of the constitution—as the source of all reforms and improvements—as the balance by which the constitution is kept in purity and vigour. But I do not wish to exclude the monarchy from its proper share in every beneficent work. I think our resolutions ought to be presented to the throne. Should the house of lords also do the same thing, his majesty might thus be prevented from expressing his dissatisfaction on the subject, to the great prejudice of the people of England. Is that the situation in which ministers ought to leave their sovereign? The house may depend upon it, that this question will be a subject of consideration out of doors for a long period of time, and that it will be agitated over and over again. It is materially connected with other abuses, and involves the dearest interests of the country. It should be remembered, that Great Britain is at present involved in a struggle which occasions considerable ferment in the public mind; and therefore the public ought to be convinced that substantial justice is done to them. Neglect on this topic will enable those who are inimical to monarchical government to draw a line of distinction between the monarchical part of the constitution and the house of commons; they feeling no mark of disapproval from his majesty similar to that expressed by this house. I warn ministers not to leave it possible for such language to be held. Let them consider it as a question involving the dearest interests of the country, and the honour of the sovereign whom they serve. Trusting, therefore, that ministers will do their duty, I have no objection that the motion should be withdrawn, in the confidence of a more complete and satisfactory explanation and conclusion at a future day.

Mr. *Wilberforce* said, that perhaps there never was a time when parliament were called upon to interfere in a matter of such importance as on the present occasion, and more important resolutions than those which passed on a former night, were never agitated in that house. As guardians of the constitution, the house were met there to defend it from any inroads that might be made upon it, and he considered the resolutions which had been recently adopted as the most likely way to prevent danger to the constitution of the country, from the abuse of extraordinary power lodged in the hands of an individual. It behoved parliament to interfere whenever the public trust was abused or misapplied, and they should take every occasion to punish the offenders. This was the foremost of its duties. It was his opinion, and he mentioned it with deference, that it was the duty of parliament to inquire into all public abuses, and to follow up their resolutions by a minute investigation. He had declared his opinion on this matter on a former night, and he was perfectly satisfied with the sentiments he had delivered. When he voted the night before last, it was from a strong sense of public duty, and his desire to maintain the character and reputation of that house. He came down to the house this night without any expectation of a measure similar to that proposed by the hon. gent., being brought forward. He had not had any communication with a single individual upon the subject; and he confessed it was not without some surprise, that he heard such a measure brought forward at the present time. He did not say that he should oppose the expediency of the measure at some future period, and vote against it, but he should not vote for it at this time. An hon. gent. had said, that the present motion was a direct corollary of the resolutions of a former night. What occasion then was there for any delay, and why did not the present motion immediately follow the former resolutions? Upon a conviction of the necessity of the vote he then gave, he might have felt it his duty then to have supported this. But, at the same time, he thought circumstances had, since then, been considerably changed, by the resignation of the noble lord, whom we were informed, had since retired from office. He had heard, with considerable pain, the sentiments delivered by a right hon. gent. (Mr. Canning); and he felt the dangerous consequences that were likely to ensue upon the avowal and maintenance of such pernicious principles. He felt as strongly as that right hon. gent. the impropriety of acting from party motives, and he strongly censured such as did. But the right hon. gent. argued thus: "because I vote for you, you must in return vote for me." This, he thought, such an accommodation as was calculated to defeat the ends of justice. He thought it was a proof of honourable confidence, when a minister employed persons that differed from him in sentiment; and he could not but commend the noble lord, and every other person who acted in the same manner. The hon. member concluded, by entreating the hon. mover of the motion, not to do away the happy effect of the vote of the former evening, by attempting to go farther than some, he was persuaded, would think it their duty to accompany him. Governed by no popular feeling, he would not say, whether he would or would not vote for the measure, but warmly urged the hon. gent. to withdraw his motion.

Mr. *Fuller* hoped the hon. gent. would sift the matter to the bottom, and not allow the depredators on the public to go undetected and unpunished. If there were a grain of ipecacuanha or of emetic tartar in the world, he trusted it would be administered to the delinquents, to oblige them to disgorge their ill-gotten gains. The proceedings of Monday would be nugatory if they were not followed up by some motion like the present; at the same time he thought that the house should not be too precipitate in their steps; and he was not sure that it was adviseable to press it forward so rapidly as was proposed by the hon. gentleman.

Mr. *David Scott*.—Sir, I merely rise to express some reasons which I should hope would, in some degree, operate with the hon. mover to withdraw the present motion. I should previously apologize to the house for intruding, while under such severe indisposition, as I fear will scarce enable me to make myself heard. Sir, the hon. gent. who brought forward the resolutions on Monday, and other gentlemen on the same side of the question, used as their strongest argument, that the public looked to the virtue and dignity of the house for immediate justice, and for such severe resolutions as then were moved. The resolution being then carried respecting lord Melville, I mean to say no more upon it, except that, God knows, the public must think it sufficiently severe. If the present one proposed was carried, what would the public say to it? They would, sir, instead of ascribing it to justice, to virtue, and a proper dignified conduct in the house, ascribe it to what the hon. gent. below me (Mr. Fox), has so much dwelt upon, bitterness and rancour. They would say, this noble lord, after full forty years of most meritorious services to the state, and most of these in the highest situations, has had a very unmerited return, severe in the extreme, so much so, that all these measures taken by the house, must certainly have arisen, not from public virtue, but from a most persevering vindictive spirit. Sir, this conclusion is the more natural when we look to the character of that noble lord throughout the country. As to his being concerned in any sort of peculation, it is totally out of the question. No man whatever, I conceive, could believe a thing of the sort. There is no man that has the honour of his acquaintance, who does not know him to be incapable of benefiting by the public money, or by any other thing not perfectly honourable. Such suspicion could scarce arise in the mind of any person, as indeed being directly contrary to the habits of his life. No man has ever valued money less; indeed, from what we all know, if he had chosen to benefit by the public money, he might have had millions. On the contrary, those who have the pleasure of knowing him best, I believe know, that if he made the two ends meet at the end of the year, he was well pleased. Much has been said about enmity and illiberality. I believe, sir, that all who know his lordship as well as I do, know him to be as honourable, liberal, and humane a character as ever existed. The subject which the hon. member below (Mr. Fox) urged so much, of his lordship's violence in turning out the dean of faculty, I must take the liberty of saying, is completely unfounded. Lord Melville had no more to do in the turning him out than you had. The dean of faculty, sir, is elected by the majority of the votes of that respectable body, over whom he presides, and no individual, however powerful, could influence them in their choice. I must also touch on something which fell from another hon. member of Ireland below me, who was offended with the right hon. gent. opposite (Mr. Canning) saying that no British lawyer would have so acted. The hon. Irish member I see does not know that we commonly, when speaking of British subjects, call them English, be they English, Scotch, or Irish; he therefore, I hope, will never be offended with the word English being applied in future to express any of his majesty's subjects, or suppose it can be meant as an allusion to any particular part of the united kingdom.

Mr. *Kinnaird* said, that it was not his intention to have said any thing on the present question, had it not been in consequence of what had fallen from the hon. member who spoke last, founded on the observation of a right hon. gent. opposite to him (Mr. Canning). That right hon. gent. had said, that no man could reproach lord Melville with being a bitter political adversary. There was a country which was probably known to the right hon. gent. only by the account given of it by Dr. Johnson. In that country (Scotland) lord Melville was known to be a bitter political adversary, and he was therefore the more surprised to hear the hon. member who spoke last, who was a native of Scotland, say, that lord Melville did not exert his influence in that country, in a particular instance, which had been alluded to by an hon. gent. near him. He would ask that hon. gent. or any other member of the house, to step forward and say that lord Melville had not exerted all his political influence, and in consequence had succeeded in turning off from a post of honour in the faculty of advocates, a gentleman who was an honour and an ornament to his profession. He trusted the time was not far distant when Scotland would be able to shake off the yoke of the noble lord, and to vindicate the insult which had, through his means, been offered to one of the most learned and best beloved men in the country.

The *Secretary of War* (Mr. William Dundas) said, that he did not expect that he should have felt himself called on to make any observations in the course of agitating the present question. He was aware that it would shew very bad taste in him to interfere, and therefore it was not his intention to have done so. Here, however, he felt himself called on by the hon. gent. who had just sat down. How had the hon. gent. found out that lord Melville was a bitter political adversary? Was it by going to his country mansion, and dwelling with him for weeks or months at a time, by mixing in his convivial moments, that he had acquired that knowledge? Had the hon. gent. only gone to the noble lord in his moments of conviviality, now to rise up against him in the hour of his need, when the hon. gent. was not called on, when, in fact, it was in a manner understood that the motion was to be withdrawn, and that only for the sake of introducing extraneous observations and allegations against him? On such conduct he knew he needed to make no comment. He was conscious that the generous feelings in the breasts of Englishmen would speak more forcibly against such a practice than any thing he could say. With respect to the gentleman who had been deprived of the office of dean of the faculty of advocates, the case had been altogether misrepresented. What was the fact? That gentleman attended a meeting of the friends of the people in Edinburgh, when democratic principles were attempted to be disseminated throughout the country; his conduct excited the indignation of the advocates, and animated by the *esprit du corps*, as he might call it, they unanimously concurred in depriving that gentleman of an office, of which there was no former instance of exclusion.

Mr. *Fox* begged leave to remark, that whatever had fallen from his hon. friend near him (Mr. Kinnaird), had been extorted by the remarks of the right hon. gent. opposite (Mr. Canning).

Mr. *Kinnaird* thought that the right hon. gent. had effectually displayed his bad taste in attacking him in the manner he had done. Was he to be reproached with ingratitude or any improper feeling, because living in the same county with lord Melville, no stranger to lord Melville's agreeable convivial qualities, he had occasionally mixed in company with him, and had even been pleased with his society; he had now, when called on by his parliamentary duty, discharged that duty with fidelity, though to the exposure of any thing blameable in lord Melville's conduct? The hon. gent. begged pardon of the house for noticing this indecent reproach which had been thrown out against him. In doing so, he meant only to put himself right with the house, without any regard whatever to the right hon. gent.

Mr. *Ellison* begged pardon of the house while he performed his duty in shortly stating his sentiments on this subject. He had come down the other night, as he had today, with every wish to check peculation, and with every intention to follow up the resolutions of the house, as far as justice might seem to warrant. Expecting that the whole crime would be made out before the house ought to be called on to pass sentence, he on the former night voted for the committee, thinking that any sentence before the gravamen was made out, was worse than any punishment which the house might afterwards feel itself called on to inflict. The house, however, having determined that there was no necessity for a committee in the first instance, he came down this night with a determination to lend every aid in his power to bring the guilty to punishment, to pledge himself to assist any class of men to whatever party they might belong, who who would institute an enquiry, and punish abuses in every department.

Mr. *Whitbread* hoped it would not be necessary for him to make any apology for offering a few observations on what had been said. He had been arraigned by two right hon. gentlemen, both this night and on the former night, for the way in which he had opened the business. On the former night he had been accused of too much passion in his statement. As he was conscious of feeling nothing of the kind in his mind, he hoped the right hon. gent. would do him the justice to suppose that he had misconceived him in this respect. As to his statement of this night, he denied that he had blamed lord Melville for tendering in his resignation. He thought, on the contrary, that noble lord was right in retiring; but he must be of opinion that ministers were reprehensible in allowing him. There was this difference between him and Mr. Trotter; Mr. Trotter had been dismissed; he had retired! He ought to have been dismissed as well as Mr. Trotter. The hon. gent., however, had been arraigned, as being nearly connected with sir Charles Grey, and also with sir John Jervis, with having omitted to recollect that the noble lord whom he now accused, had been the advocate and supporter of the two hon. characters. It never, however, entered into his mind that those two persons did owe any obligation to lord Melville. He had never considered lord Melville as their advocate. But, supposing it to have been the case, what was meant to be inferred from the fact? Was it to be alleged that the support which lord Melville then gave his two noble friends was a job, and that he (Mr. Whitbread) was now bound to do a job for lord Melville? Sir Charles Grey then stood on his trial. He was acquitted, and was twice thanked by that house for his conduct. Lord Melville, it may be said, moved for those thanks. Be it so. But would it be said he did so without thinking them merited? Far more, would it be urged, because lord Melville chose on that occasion to abandon his duty, that the hon. member and an hon. friend of his (Mr. Grey) were now called on to desert their duty? The right hon. gent. opposite had given a promise that night, that lord Melville should never again hold any office of trust in the management of public affairs; but might not his majesty change his advisers, and might not lord Melville be then again admitted into his councils? What means had the king of knowing what was done in that house? Had the right hon. gent. communicated their resolutions to his majesty? That could not be; else he must have been dismissed, and would not have been allowed to resign. The hon. member felt anxious that the house should stand high in the public opinion; he felt doubly so, after the proceedings of the other night, lest it should be again let down. He begged to be allowed to state the way in which matters stood on the morning when they last adjourned. Many members were anxious that the concluding motion should then be made. He intimated his intention of bringing it forward that very night. Nothing fell from him indicative of any intention to relinquish his motion; he only wished to postpone the moving it for a few hours on account of the exhausted state of the house. The right hon. gent., without assigning any reason for the additional delay, proposed an adjournment for thirty-six hours. This was objected to by his hon. friend (Mr. Fox), unless it was understood that in the interval no public business should take place; and the right hon. gent. with a countenance which he (Mr. W.) should not easily forget, said, upon every view of the case, it would be better to adjourn. Could it, however, be in the contemplation of the house, that this delay was for the purpose of allowing lord Melville time to resign? If any members, however, found themselves taken by surprise, he should withdraw his motion, but at the same time he knew that was not a thing calculated to satisfy the public. He said so, not in any spirit of resentment against lord Melville, as if this resolution were necessary to make him feel his situation. If he had any feelings, and the hon. member entertained no doubt he had, nothing could ring them more than the resolutions already passed by that house. He was conscious the sense of the house went with him, that it was necessary that lord Melville should never again hold any office of trust. All, therefore, that he desired was to find out some way of entering this opinion on the journals of the house, and that the motion had on that account been withdrawn. The parallels which had been set up as to the motions against ministers being allowed to drop on their resignation, did not at all apply. They were made on the ground of incapacity; this was founded on a delinquency. He knew that in common cases, to be expunged from the list of the privy council was no disgrace. It had occurred to his hon. friend (Mr. Fox). The right hon. gent. then in the plenitude of his power, had recommended it as a measure proper for his majesty's adoption. He had, however, since retracted that opinion, and had recommended to his majesty not only to restore him to that honour, but to promote him to his highest confidence. He had asked pardon for his offence before God and man. But, could ever such a recommendation avail in favour of lord Melville, after the resolutions adopted by that house?—He was happy to understand that the Bank was not so much to blame as he had supposed; and also to learn, by what fell from the right hon. gent. (Mr. Canning), that the mode of conducting business in his office was entirely changed, such would always happen when principals began to do their duty. But, why, he must ask, was Trotter dismissed, and Wilson not? The right hon. gent. had said, Wilson was a deserving officer. With all respect for the assertion of the right hon. gent. he, however, could not help having also a high respect for the authority and opinion of the commissioners of naval enquiry; they said, and the hon. member said too, that Wilson was an improper person to continue in his present or in any other situation of public trust.—The hon. gent. said he could not, after what had fallen from hon. friends of his, and from other hon. gentlemen, whose support he was anxious to procure, refuse, in the mean time, to withdraw his motion. He was anxious, however, lest the public should suppose that in passing their former resolutions, they had only adopted in a heat what they were unwilling to follow up; he, therefore, had to suggest what he hoped would meet the opinion of every gentleman present, that a copy of the resolutions of that house, of the former night, be laid before his majesty without any comment. By this means he conceived that the house and the public might be satisfied that lord Melville could not, with any consistency, be restored to any office of emolument or trust under the crown. This, he thought, was the best mode of conciliating different opinions.—He then moved, "that his original motion be withdrawn;" which being agreed to, the hon. gent. proposed, "that the resolutions of Monday be entered, as read;" which was also agreed to. His next motion was, "that these resolutions be laid before his majesty." This motion was agreed to, *nem. con.*

Mr. *Whitbread* again rose, and said, that he thought the most solemn mode of carrying such an important step into execution ought to be adopted on the present occasion; on that account he should propose, "that these resolutions be laid before his majesty by the whole house."

The *Chancellor of the Exchequer* said, that he understood the hon. gent. to have meant that the resolutions should be laid before his majesty without any comment, and in the most simple form.

Mr. *Whitbread* replied, that it was his intention they should be presented without comment, but not without form. He quoted several precedents to prove the propriety of the mode of proceeding which he proposed, and observed, that even had no precedent existed, that course ought to be pursued which gave most weight and dignity to the transaction.—The motion was then agreed to, and it was ordered that such of the members as were of his majesty's most hon. privy council should wait on his majesty, to know when he would be graciously pleased to receive the same.

The *Chancellor of the Exchequer* said, that the hon. gent. had already given a general notice of some motions he intended to make after the recess: he should wish to be informed, if possible, on what day he intended to bring them forward.

Mr. *Whitbread* said, that on the very first day after the conclusion of the holidays, he meant to move that instructions be given to the attorney-general to proceed legally against lord Melville and Mr. Trotter; and also, that an enquiry should be instituted for the investigation of those parts of the 10th report which had not been already considered by the house. There was one circumstance which he only wished to notice, though he did not mean to be deemed too severe in so doing. He merely meant to suggest to that hon. and learned gent. (the attorney-general) that it might be proper to introduce a restraining bill, to prevent the noble ~~lord~~ making away with his property. He did not mean, however, by stating this, to take the house by surprise.

The *Chancellor of the Exchequer* hinted, that it was not impossible his majesty might intimate his wish to receive the resolutions before the adjournment. The extent of the adjournment had usually been from Thursday to Monday se'nnight; but he should propose that, in this instance, it might be from Thursday to Thursday fortnight.

Mr. Serjeant *Best* gave notice, that on an early day after the recess, he should submit a motion to the house founded on the 11th report of the commissioners of naval enquiry.—Adjourned.

HOUSE OF LORDS.

Thursday, April 11.

[Minutes.] The royal assent was given by commission to the Irish Militia Enlisting bill, the Irish Spirits Permit bill, the Bread Assize, and Boyer's Lottery bill.—The Lord Chancellor stated, that very shortly after the recess, he should move to appoint particular days for the delivery of judgment upon such causes as stood over for ultimate decision.—The bills upon the table were forwarded in their respective stages.—Adjourned to Thursday the 25th inst.

HOUSE OF COMMONS.

Thursday, April 11.

[Minutes.] The Speaker came down to the house at three o'clock, and after attending in the house of peers, pursuant to a summons by the Black Rod, on his return, informed the house that the royal assent had been given by commission to the Irish Militia Volunteer bill, the Irish Spirit Permit bill, the London Bread Assize bill, Boyer's Lottery bill, and several private bills.—Lord Stopford informed the house from the bar that his majesty had been waited on with the address of last night, and had been graciously pleased to appoint 4 o'clock this day to be waited on therewith.—A new writ was ordered for the borough of Malton, in the room of the hon. C. L. Dundas, who since his election had accepted the stewardship of his majesty's Chiltern Hundreds.—The Prize Courts bill, and the Property Duty bill, passed through a committee *pro formâ*, were then reported, ordered to be printed as amended, and the reports to be severally taken into further consideration on the 30th instant.

[Paymaster of the Forces Regulation Bill.] Mr. *Rose* prefaced his motion for leave to bring in a bill to amend the 23d of the king, as far as it relates to the regulation of the office of paymaster of his majesty's forces, by stating briefly the objects he had in view in bringing forward this measure. He had looked into the reports of the commissioners of accounts, and found that no accounts had been passed from the office of the paymaster previous to the passing of that bill; the provisions of that bill were sufficient to secure the passing of the accounts; but they gave to the public no means of compelling the production of vouchers, or of enforcing the payment of arrears that might accumulate in the hands of the paymasters; in consequence of which, considerable risk was incurred by the public, from the length of time that often elapsed before the accounts were audited. One of his objects, therefore, was, to enforce the production of vouchers to the pay-office, and to give process to the public for the recovery of any arrears that may remain in the hands of the paymasters. Another was, to separate the acting from the retired or removed paymasters. There were many provisions in the existing bill which were found inconvenient or unnecessary. Another object consequently was, by omitting these parts, to accommodate the provisions of the bill to the practice of the office, under improved regulations, adopted since the passing of the bill. The measure he proposed he had prepared during the summer, and had since submitted to the consideration of the auditors of the public accounts, and to the war department of his majesty's government. It had received the approbation of both, and he was sure it was now in a state in which he could confidently present it to the house, the end proposed in it being precisely the same as the hon. framer of the former bill had in view, namely, to prevent any misapplication of the public money. If the house should agree to his motion, he proposed to introduce a bill, and after the first reading to have it printed, and the second reading fixed for this day three weeks, in order to afford time to gentlemen to make themselves acquainted with its provisions. The former act having been entered as read, leave was given to bring in the bill; which Mr. Rose brought up, read a first time, and ordered to be printed, and read a second time this day three weeks.

Lord *H. Petty* observed, that more than a month ago he had moved for copies of several depositions relative to the gaol of Kilmainham, and they were not yet forthcoming. He was surprised to find so much difficulty in obtaining papers from Ireland. A similar circumstance had lately occurred, with respect to other papers on a different subject, in which seven weeks had elapsed, without any return being made. He should, therefore, move "that the return for the papers he had moved for should be made forthwith." Ordered.—The house then adjourned to this day fortnight, and the right hon. the speaker, followed by several members, immediately went up to St. James's with the resolutions of Monday last.

HOUSE OF LORDS.

Thursday, April 25.

[Minutes.] Several private bills were brought up from the commons, and read a first time.—On the motion of the bishop of Oxford, the committee on the Universities Advowson bill was postponed till Monday, for which day the lords were ordered to be summoned.—Mr. Johnson, from the Irish secretary of state's office, presented an account of the State of the Gaols in Ireland, during the year 1804.

[Price of Bread.] The Earl of *Suffolk* rose, and expressed his regret, that unavoidable business had obliged him to be absent during the progress of a late bill through the house (the Bread Assize bill). It was his intention, if present, to have made some observations, which, from the accuracy of his information, might be of national advantage. It might perhaps be irregular to bring the subject then before the house, but he hoped that whatever regarded essentially the interest and comfort of the mass of the people would always have their lordships' support and hearty concurrence. It was truly lamentable, that, at a period like the present, there should exist any men who endeavoured to amass fortunes at the expence of the community, but particularly at the expence of the poor, who were, at present, bearing with cheerfulness their share of the burthens of the war; but this was unfortunately the case, which he could not more clearly illustrate or satisfactorily prove to the house, than by assuring their lordships, that the quartern loaf was sold in Cheltenham, and many other large and populous towns through which he lately passed, at one shilling, when it was sold in London at 1s. 4d. The difference was nothing to a man of fortune, but to a hard-working man it was of the first importance, and ought to be reduced to its proper standard, if possible. He had made the strictest enquiries respecting the cause of this extravagant difference, and found that it was artificial. He stated this with the utmost confidence, because he was sure of his information, and could prove the fact. It was the practice of certain millers and mealmen, who resided about 15 or 20 miles from London, many of them possessing from 200,000l. to 300,000l. to receive expresses from town respecting the state of the markets, according to which returns they either sent or kept back grain and flour, as it best suited their purpose. He wished to be understood as not at all wishing to cast any odium upon, or excite public indignation against a particular description of people; but he could not, at the same time, refrain from communicating to their lordships the information which he had collected respecting this most serious and important matter. He thought it high time for the legislature also to consider how the assize of bread was struck and regulated in general. He had reason to believe and be convinced, from the best authority on the subject, that if government established flour magazines at convenient distances from town, the high price of bread would be soon lowered, and always kept in due proportion to the quantity of grain in the country. It was really lamentable that a million of people, which this city and suburbs contained, should be kept in a state of expectancy on flour factors for the most necessary article of life. If those magazines were established at certain distances, such as Uxbridge and other places equi-distant, he was certain that great convenience and saving to the people would be the happy consequence. Having said thus much on this most important subject, he should trouble their lordships no farther than to repeat his hope, that the matter might be well weighed and considered, with a view of giving it that effect, which he had no doubt would be highly beneficial.

Lord *Walsingham* assured the noble earl, that the bill should not have been carried through its stages so soon as it had, if he was not informed that the noble earl had no objection to its progress.

The *Lord Chancellor* said, that it must be a gratification to the noble earl to know that the bill to which he alluded had no connection with the subject which he brought before the house.—Adjourned.

HOUSE OF COMMONS.

Thursday, April 25.

[Minutes.] The Speaker reported to the house, that the house attended His Majesty on the 11th instant, with the resolutions of the house of the 8th instant, relative to lord viscount Melville, whereupon His Majesty was pleased to give the following most gracious answer: "Gentlemen; I shall on all occasions receive "with the greatest attention any represen- "tation of my commons; and I am fully "sensible of the importance of the matter "which is the subject of your resolu- "tions."—On the motion of Mr. W. Smith, it was ordered that a new writ should be issued for the election of a representative for Hereford, in the room of J. Scudamore, esq. deceased.—Mr. Johnstone, from the office of the chief secretary of Ireland, presented at the bar the various statements relative to the prisoners in Kilmainham gaol, which had been ordered upon a former day, on the motion of lord Henry Petty. Ordered to be laid on the table.—Sir Thomas Metcalfe moved, that the second reading of the Pancras Poor bill be fixed for Monday next, which, after a few observations from Mr. P. Moore, was agreed to, and ordered by the house.—Sir J. W. Anderson obtained leave to bring in a bill for the formation of the Tunnel under the Thames.—Lord John Townsend and Mr. Garrow took the oaths and their seats in the house.—The Chancellor of the Exchequer gave notice, that on Monday next he should move for leave to bring in a bill to continue the commission of naval inquiry; and also that he should submit a motion for the purpose of appointing commissioners to inquire into the conduct of the principal departments connected with the great military expenditure of the country, with powers to examine witnesses on oath, and to report to both houses of parliament, in order that if no abuse existed that required correction, the public may be satisfied with the assurance of the fact; or if, after investigation, new measures should seem necessary, parliament should adopt such as in its wisdom it may think fit.—Mr. Kinnaird presented a petition from B. Tucker, esq. late a commissioner of the navy board, stating that a letter of the navy board to the admiralty, on the subject of the report of the navy board relative to sir Home Popham, prepared by Mr. Tucker, contained many gross, false, and scandalous charges against him, which were not communicated to him by the admiralty or the navy board, and from which he prayed an opportunity of clearing himself.—On the motion of Mr. Kinnaird, it was ordered that there be laid before the house, a copy of Mr. Tucker's letter to the admiralty on this subject.—Sir A. S. Hammond gave notice that he would to-morrow move for certain papers connected with the 11th report of the commissioners of naval enquiry.

[Petition of the Electors of Southwark against Lord Melville.] Mr. *Henry Thornton* presented the following petition agreed to by the electors of Southwark, in common hall assembled: "To the honourable the Commons of Gt. Britain and Ireland, in parliament assembled. We, the undersigned, electors of the borough of Southwark, in the county of Surry, beg leave to congratulate your honourable house, upon the result, so glorious to the character of parliament, of the discussions which have taken place in your honourable house on the 8th and 10th days of this inst. April, respecting the gross malversations in certain branches of the executive government, which have been disclosed in the Tenth Report of the commissioners of naval enquiry. We pray your honourable house to follow up that virtuous line of conduct, which, upon the two days before named, have diffused such signal satisfaction through the whole country. We entreat you to sift to the bottom the mass of abuses which the aforesaid commissioners have traced and exposed. We beseech you to renew, without loss of time, and to extend, if necessary, the powers so faithfully executed, of those commissioners. We implore your honourable house to pull down guilt, however protected; to save from rapacity, from peculation, and fraud, a people who contribute cheerfully to the real wants of the state, and who never complain but when their generous temper is abused and imposed upon: so shall the commons of England take the most efficient course possible to vindicate the sullied honour of the government; to confirm the public confidence, and to plant in all good hearts the most unfeigned admiration of the British constitution."

[PETITION OF THE CITY OF LONDON AGAINST LORD MELVILLE.] Mr. Ald. *Curtis* presented a petition from the lord mayor, aldermen, and livery of the city of London in common hall assembled, setting forth, "That the petitioners have uniformly concurred in and supported such measures as have appeared conducive to the safety and welfare of his majesty's dominions, and have cheerfully submitted to the most unexampled burthens, under a confidence that the resources of the country were faithfully and honestly administered; and that they learn, with the utmost concern and astonishment, from the reports of the commissioners for naval enquiry, now before the house, that the right hon. Henry Dundas viscount Melville, late treasurer of his majesty's navy, has been guilty of a gross violation of the law and a high breach of duty, whereby immense sums of the public money have been perverted to private emolument; and that they conceive it to be a high aggravation of such offence, that these disgraceful transactions were carried on during a period of unprecedented difficulty, when the very existence of the country was said to be at stake; and that the person so abusing his trust, so violating the law, was in the enjoyment of several high and lucrative offices, and ever among the foremost in laying additional burthens upon the people, and calling upon them to submit to the most painful privations; and that they are duly impressed with a high sense of the virtue, integrity, and firmness of the house, and strongly participate in the sentiment which so generally pervades all ranks of his majesty's faithful subjects, of the wisdom and fidelity with which it has discharged its most sacred trust, by the progress it has made towards protecting the people against such gross violations of the law and breaches of public duty; and that the petitioners approach the house, as the guardians of the liberty and property of the people, under a full conviction that such shameful abuses will induce the house to do ample justice to the outraged feelings of the country, by bringing to condign punishment convicted criminality; and that they beg to submit to the house, that it would be highly derogatory to his majesty's government, prejudicial to the public service, and insulting to the house, and the nation at large, for lord Melville any longer to continue in his majesty's councils, or to hold any place of trust, profit, or honour, in or under the government; and that they conceive all other persons who may be implicated in, or who have connived at, such abuses, to be incapable any longer of serving the country with honour or advantage, and ought equally to be brought to a severe account; and therefore praying, that the house, taking these matters into their most serious consideration, will vigorously promote and prosecute those inquiries, and cause the powers of the said commissioners to be prolonged and extended, and other measures to be adopted, in order that such further enquiry may be made into the receipt, management, and expenditure of the public money, and the conduct of the public offices, as may lead to the detection of all abuses and the punishment of all offences, and that such a system of vigilance and economy may be established, as may effectually guard against the recurrence of such flagrant abuses."

[PETITION OF THE CITY OF SALISBURY AGAINST LORD MELVILLE.] Lord Viscount *Folkestone* presented a petition from the mayor and coproration of the city of Salisbury, setting forth, "That the petitioners have perused, with much concern and interest, the resolutions of the house of the 8th and 10th days of this instant April; with concern, that any charges of the nature therein implied should attach upon any individual in a high official situation, and with interest, that the representatives of the nation have, under the circumstance of such charges, marked such individual with their censure and reprobation; and that the petitioners beg leave to state, that, in common with the nation at large, they have to lament the weight of the heavy burthens to which the legislature has found it necessary to submit them, but they claim for themselves, in common with the nation at large, the merit of having borne them with patience, readiness, and equanimity, trusting that what had been granted liberally would be applied faithfully; but when a suspicion is gone forth, under the authority of parliamentary commissioners, and that suspicion apparently adopted by the house, that peculation has been hard at work, the petitioners take leave to call upon the national representatives for redress, reminding them that it is of little consequence as a public grievance, of little consequence in point of official morality, whether the actual peculation be by men of great authority and power, or by their deputies and subalterns under their permission and connivance; and therefore praying the house to continue such commission of enquiry as has already discovered such abuses, and to institute any new commission which may be necessary to ascertain whether in any other department of the state the national finances have been misapplied, and also to devise such legal proceedings upon those instances of misapplication already before the public as may satisfy the general cry for justice, by bringing all persons concerned to a strict responsibility."

[Middlesex Election.] Mr. *Calcraft* said, he held in his hand a declaration, signed by sir Francis Burdett, which the house, he had no doubt, would receive, agreeably to the act of the 28th of the king, for the regulation of controverted elections. The act being read *pro formâ* by the clerk, the hon. gent. observed, that, according to its provisions, any member, in case of a contested election, might withdraw himself from the contest, by signing a written declaration to that effect, which the house was bound to receive.

The *Speaker* called the attention of the house to the present proceeding. He observed, it was certainly competent for a member to withdraw himself by signing a written declaration, but he must relinquish prosecuting the business totally, but not partially. The question was, whether the declaration was so defined, that the hon. member withdrew himself out of one or several parts of the charges contained in the petition.

Mr. *Calcraft* was of opinion that the declaration which he held in his hand came within the act. It declared, that it was not the intention of the hon. baronet to defend the petition, as far as related to the majority, or the right of voting, but he wished to defend himself against the charge of bribery and corruption. He thought the latter words superfluous, but did not imagine they vitiated the declaration.

The *Secretary at War* argued, on the contrary, that, unless the declaration was final, it could not be received.

Sir *John Newport* was of opinion that the declaration came within the spirit and the letter of the act, as it was impossible for the hon. baronet to proceed further; and as the charge of perjury goes to civil penalties, the declaration, if not worded as it was at present, may be brought against him.

Mr. *Calcraft* observed, that with the indulgence of the house, he would withdraw the declaration, for the purpose of amending it; and as the hon. baronet was indisposed in the country, he would present another, signed by him, to-morrow or next day.—After a few words from Mr. Rose and Mr. Grey, the declaration was accordingly withdrawn.

[Irish small Notes Regulation Bill.] Mr. *Lee* adverted to the present rules prescribed by law, for the issue of small bank notes in Ireland, by which it was enjoined, that no private banks should be allowed to issue notes under three guineas value in that country. The effect of such a measure must obviously be highly detrimental to trade in general. The farmer could not, on account of the scarcity of specie, sell a small quantity of corn there, to the amount of 20s. or 30s. unless he could, which was very rarely the case, give change for a 3-guinea note, and the same difficulty was felt in every other branch of dealing. This was not felt in England, or Scotland, where the private bankers can get small notes from the Bank of England; but the national Bank of Ireland was restrained, so as not to extend its issues. He saw no reason for this distinction in the case of Irish private banks, as they must always have in their possession national notes, in proportion to their own issues, and were therefore perfectly secure. He would leave it to any gent., conversant with business, to reflect on the extreme inconveniencies that must ensue ever here, if, while the restriction on the bank continues, there should be no smaller than 3 guinea notes in circulation. In Ireland, the measure had a most desireable tendency, as the tradesman there had seldom any other way of getting his note exchanged, but of repairing to the public house, and spending a great part of the money. He then moved for leave "to bring in a bill to regulate the issue of small promissory notes and bills in Ireland, which was agreed to." The hon. gent. next observed upon the great difficulties existing in the recovery of small debts in Ireland, where creditors were often obliged to travel from 30 or 40 miles, to the quarter sessions, at an expence perhaps superior to the amount of their respective debts. The principal object of the bill he should propose, would be to give magistrates the summary power of debts under 5l. He then moved for leave "to bring in a bill for the more expeditious recovering of small debts in Ireland;" which was granted.

[PROCEEDINGS RELATING TO THE PRINTER OF "THE ORACLE" FOR A LIBEL ON THE HOUSE.] Mr. *Grey* rose, and, after stating his reluctance to take any step at all inconsistent with the most perfect liberty of the press, called the attention of the house to one of the most indecent libels on the procedings of that house, which it had ever been his province to notice. It was, indeed, a libel of so gross a nature, that the house, in consistency with its own dignity, could not suffer it to pass over, without a strong expression of indignation against such an attack on a solemn decision of the legislature. The hon. member then read the following paragraph from "the Oracle" of yesterday. The article is prefaced by a statement that sir Charles Middleton was appointed first lord of the admiralty. "While we announce this arrangement as the proper reward of public and private virtue, we cannot help sincerely regretting, that party rancour and popular clamour have at this time deprived our king and country of the great and powerful abilities of lord Melville. In no period of our political history can we find such an instance of the strong effects of prejudice. With all our profound respect for the motives which influenced the majority of the house of commons—with all our admiration of that spirit which arouses and animates the people in their expressions of indignation at the supposed malversations of an Individual—with all our regard for town and country meetings when properly directed in supporting the cause of independence, freedom, and public virtue—we cannot help again and again declaring, that lord Melville has fallen a victim to confidence misplaced; to prejudice misjudged, and to indignation misapplied. He has been condemned without a trial. When an appeal has been offered to his intemperate judges—when a request has been made to put him on his defence—when it has been earnestly solicited to give him a fair and a candid hearing, and then to come to a decision on the merits of the case—a strong and presumptuous negative has been given, directed and enforced by the violence of the times."—The hon. gent. proceeded to move "that the printer and publisher should be called to the bar of the house." The clerk taking up the paper in question, ascertained that the printer and publisher was Mr. Peter Stuart, of Fleet-street; and on the suggestion of the speaker, the passage complained of was again read at the table.—As soon as Mr. Grey's motion was put from the chair,

The *Chancellor of the Exchequer* rose, and spoke as follows: I certainly do allow, sir, that the passage now read is libellous and indecent; but, if we are now to begin to turn our attention to every thing of a libellous and indecent tendency, which appears in the public newspapers, I hope at least we shall observe the strictest impartiality. It is not the first time that we have heard of libellous, licentious, and unwarrantable observations in newspapers, even on the proceedings of this house, and we have seen them altogether overlooked. If gentlemen have now, however, made up their minds that such licentiousness of the press is not to be tolerated; if they are resolved that malignant remarks, whenever they appear derogatory to the dignity of this house, shall meet with marks of our indignation, I am satisfied. All that I ask is, that we shall not select one instance for punishment, while we allow many others to pass with impunity. I certainly do not oppose the motion.

Mr. *Grey.*—The right hon. gent. has allowed that the passage which I have thought it my duty to bring before the house, is both libellous and indecent, and he has no objection to the Motion which

I have proposed. He says, however, that he wishes this not to be a particular instance selected for party motives, but a part of a general system of inquiry. To this I can have no sort of objection, for I have selected this case merely because it struck me as one which it was the imperious duty of this House to take under their special cognizance. The present instance was one which appeared to me right and proper to be selected, and on that account only have I brought it under the consideration of the house.—The right hon. gent. has alluded to cases of libels on this house which were overlooked. If he did know of such cases it was his duty to have specified them, and if they did not meet with adequate punishment, he has no one to blame but himself. Those who did see such libels and who did not specify them in this house, were certainly deficient in respect to that dignity in all its proceedings, without which the honour and the importance of this house could not be maintained. If any man has seen and felt that our proceedings have been calumniated, and has not moved for the punishment of the libeller, he has not done his duty. We must see that our decisions are treated with proper respect, or else our character is destroyed. It is therefore on a principle of regard for our public utility that I think the present motion necessary, and I trust the house will act on the same principles.

Mr. *Fox*.—I certainly do agree with the right hon. gent. opposite, that in a business of this nature, the strictest impartiality is our duty. I differ with him, however, as to the particular period when my hon. friend near me has brought forward his motion. When we talk of the propriety of such motions, I hope we shall not lose sight of the particular circumstances and the particular time under which they are produced. It is the duty of this house at all times to be jealous of its honour, but this is a period when this jealousy ought to be the most active. A late decision of this house has diffused universal gratitude throughout the country, and it is our duty to see that this decision shall not be wantonly attacked and insulted. It is the more necessary, sir, for us to see that our resolution is properly respected, when we find men in high official situations endeavouring to act as the protectors of those condemned of the grossest malversations. When we see evident signs of reluctance to have delinquents brought to punishment, is it not our province to teach those who libel our proceedings, that they shall not do so with impunity? We have voted certain resolutions on which his majesty's servants have not hitherto thought it their duty to take the least proceedings.—The right hon. gent. opposite, the treasurer of the navy, even continues in office, a man whom the commissioners of naval enquiry have declared unworthy of acting in any pecuniary situation, since, he refused to answer questions essentially connected with the object of their investigations. If ever then, sir, it was fit for the house of commons to be jealous of its honour and dignity, surely this is the period when our calls to jealousy are greatly increased. The very strength and efficacy of our late resolutions must depend on the measures which we now form, not as against an individual, but for the support of the character of the house of commons. I therefore entirely coincide in the motion of my honourable friend who introduced this business, while it is impossible to disagree with the right hon. gent. opposite, that in all cases of a similar kind, we ought to proceed with the greatest fairness and impartiality. As a general principle, indeed, I lay it down that, independent of all party considerations, whenever gross or indecent attacks are made on the proceedings of this house, they ought to be punished with suitable severity. I therefore cordially vote for the motion.

Mr. *Canning*.—The allusions which the hon. gent. has made to my conduct, renders it necessary to say a few words in reply. The hon. gent., sir, has represented it to be an aggravation of this libel, that Mr. Wilson has been continued in my office after the opinion of this house had been formally declared. [A general cry of No, No, from the opposite side of the house.] With all due deference to the hon. gent.'s logic, I think it is, in this instance, altogether erroneous. It is, indeed, a most extraordinary position, that, because other persons had been guilty of improper acts, the author of the libel, who knows nothing of the matter, is to have a severer punishment. I wish, sir, the honourable gentleman had considered the matter a little better, and then, I am confident, he could not easily reconcile such ideas, either with logic or humanity. With regard to this Mr. Wilson, it is necessary for me to declare, that I entertain for him no individual concern or regard. In retaining him in the situation which he now holds, I looked only to the equity of the business. I could not reconcile it to my ideas of justice to dismiss one against whom no decision of this house had taken place; against whom no proof of criminality, so far as the use of the public money is concerned, has been even attempted to be established. He indeed refused to answer certain questions from the commissioners of naval enquiry, but on what grounds did his refusal rest? It was expressly under the idea that his answers would subject him to certain pains and penalties; not that he participated of any money improperly applied, but that he acted as the deputy of a person whom a vote of the house had declared guilty of a misapplication of the public money. In all these transactions Wilson was merely the deputy, merely the instrument to carry forward the designs of another. True it is, he filled up drafts in the absence of his principal, but it was impossible for him, while he continued in the office, to refuse such an employment. He might indeed have resigned, but nothing short of this could have superseded the necessity of the conduct to which so much blame is now attached. Having then officiated as a deputy, Wilson very naturally refused to answer questions to which he knew that punishment might be applicable, and to which, under a clause of an express act, he was entitled to refuse any reply. Surely, sir, it will not be contended by the gentlemen on the other side, that the clause, under which Wilson refused to answer the commissioners, was intended to be an absolute nullity. It was certainly intended for some purpose, or it never would have been adopted. It was designed for the protection of those who, though conscious of no moral delinquency, might, under particular circumstances, have been guilty of a legal crime. Such was exactly the situation in which Wilson stood in the whole of this business. Looking to the transaction in a moral view, looking to him as not deriving the slightest advantage from any misapplication of the public money, he had no more to do with it than the pen which he used, than the very ink which he used for those drafts by which the transfer was effected. Let me remind the house too, that the clause was not introduced into the bill on light authority. I contended for it strenuously here, but my exertions were not crowned with success. In the other house of parliament, however, it was introduced on the suggestion of the lord chancellor, and when I have said this, I have surely said enough to shew that the clause was not meant to be an idle, unmeaning provision; but an active, positive regulation, on which every individual appearing before the commissioners had a fair right to act. Wilson did take advantage of the clause, and in so doing, only did what almost any man would have done under such circumstances. Though only himself an instrument, he was sensible that his answers might bring him into an unpleasant situation, which therefore he prudently avoided. In such conduct there was no criminality, since, while the individual exercised a right which the law allowed him, the public sustained no loss. This, sir, is the view which the best consideration of the subject has suggested, and, acting on these principles, I have not thought it my duty to dismiss Mr. Wilson from the situation which he holds in my office. This house has hitherto decided nothing on the case of Wilson, and, therefore, I have not felt it my duty to dismiss him from his present employment. When the house does express such a determination, it will undoubtedly be my duty to bow to it with all suitable respect; but, till that opinion is expressed, I shall continue to follow that line of conduct which appears to me alike consistent with justice and humanity. I am sensible, that in following this course, I subject myself to a great deal of odium and abuse. My conduct is ascribed to the most dishonourable motives; my refusal to dismiss Wilson is branded with the opprobrious epithet of protection of convicted guilt. Seeing the matter, however, as I now see it, I shall endure all this odium and reproach. When this house shall declare their opinion fairly, it will be my duty to submit to it; till that period arrives, Wilson shall not, in the absence of any proof of his guilt, be dismissed from his situation. I shall never, either by my voice or by my conduct, patronize the tyrannical, despotic principle of punishment previous to conviction. Having said so much in answer to the hon. member opposite, I have only to say, that I shall not oppose the motion.

Mr. *Fox*, in explanation, maintained that the right hon. gent. had totally misrepresented his argument. He had not asserted that the conduct of the right hon. gent. as treasurer of the navy, was any aggravation of the particular libel in question, but he insisted that the particular circumstances in which the house were placed, rendered it highly necessary to watch over the dignity and honour of their proceedings, and not permit them wantonly either to be opposed or insulted. In alluding to the case of Wilson, he had meant clearly to explain to the house his opinion, that when men in high offices in the state, acted as the protectors of those against whom strong accusations existed, it became a matter of necessity that every attack on the character of the house, should be carefully looked to and signally punished. As he was up, he could not help remarking, that there was a very great distinction betwixt the right of a person to refuse answering certain questions before parliamentary commissioners, and the propriety of continuing those persons in office after such a refusal had taken place. It was surely a strong proof that all was not right when an individual was afraid of the consequences arising from a plain question, and yet it was to such a plain question that Wilson refused to give a direct answer.

The *Attorney General* rose, not, as he declared, to trouble the house with many observations. There were, however, a few remarks which he thought it his duty to throw out, in consequence of what had fallen from the gentlemen on the other side of the house. He confessed he was not surprised that the hon. mover thought this the most favourable moment for bringing forward the libel in question to the attention of the house. The opportunity was favourable, when the hon. gent. found himself in a majority on a great question, but he hoped, as his right hon. friend near him had said, that when such motions were brought forward they would be conducted with impartiality. Though he certainly did not mean directly to oppose the motion, he did not wish the house to be taken by surprise, and therefore he suggested to the hon. gent. that he should only in the mean time give it in the form of a notice, that thus all the members might have an opportunity of fully considering the nature of the passage in question. He thought it would be more consistent with the dignity of the proceedings of the house to act with this degree of temper and moderation. It was of importance to ascertain whether the libel was of that magnitude and importance as to make it a fair subject of prosecution, and if it really was of that magnitude it was surely expedient that any proceedings consequent on it should not be carried by acclamation. As the affair now stood, to agree immediately to the hon. gent.'s motion, would carry with it an air of precipitation which he wished to mark no part of the proceedings of the house. These observations he applied to the motion immediately before the house, but it was necessary for him to advert to other topics, which had been introduced into the debate. He thought his right hon. friend, the treasurer of the navy, had been very unjustly attacked for retaining Wilson in his situation. Doubtless, Wilson was legally guilty; but he was morally innocent, and therefore in refusing to discharge Wilson, his right hon. friend drew the proper distinction. Wilson refused to answer certain questions, but in this no criminality was established. He acted under an express clause of an act of parliament, and he was besides protected by that general benevolent provision of our common law, that no man is bound to give evidence against himself, and that no judge has a right to enforce questions from which punishment of a very severe nature may arise. The house would recollect the circumstances under which this clause was introduced. He had himself thought it unnecessary on the precise principle which he had now stated, that the humane spirit of our laws rendered it superfluous. Being introduced, however, it was surely no matter of guilt that it was acted on, and yet for the very act of Wilson, in availing himself of it; gentlemen blamed his right hon. friend for not dismissing him. With what justice this was done, he left it to the fair judgment of the house to decide; the legislature meant the clause as a clause of protection, and now the house were to be told, that the use of it was a proof of criminality. The legislature never could have such an object in view, and, therefore, Wilson was not, from his silence, to be presumed guilty.

Mr. *Rose*, without opposing the motion, rose principally with the view of vindicating the conduct of his right hon. friend the treasurer of the navy, from the aspersions which had been thrown out against him in the course of the evening. He thought his conduct respecting Wilson was, in the highest degree, commendable, and afforded a striking contrast to the conduct pursued by a pay-master of the forces at a distance of time of rather more than thirty years. He himself at that time did belong to the treasury, and therefore what he was about to state was the more to be relied on. He recollected that two officers in the pay-master's office were found guilty of gross fraud on the office with which they were connected. This appeared on a solemn examination by the lords of the treasury, who accordingly ordered them to be dismissed, and actions were instituted against them to recover their illegal gains in a court of law. One of them died before this process could be accomplished, but the survivor was actually cast in an action, and was confined in the King's Bench prison. A change of administration took place, and those defaulters were actually re-placed. He recollected that an hon. gent. opposite (Mr. Fox), who was now so clamorous against the continuance of Wilson in his situation, was violent against a proposition for condemning them, declaring, as far as he could remember, "Gracious God, will you condemn people without hearing them? Will you suppose them guilty without even listening to any proofs of their innocence?" He wished to know, then, on what principles the hon. gent. could reconcile his present conduct with his former appeals in favour of justice and humanity.

Mr. *Fox*, in explanation, professed that he had not at that time a perfect recollection of the transaction to which the hon. member alluded. If he recollected right, however, the two persons were, at the time the vote passed in the house, actually *sub judice*. If, however, the hon. member had any wish to push the matter farther, he, for his part, was ready to discuss it on another occasion in all its features and relations.

Sir *Charles Pole*.—The right hon. gent. the present treasurer of the navy, thought proper to assert on a former occasion, that certain explanations were given by Wilson to the commissioners, which satisfied them of the manner in which he had conducted himself during the examination. Now, sir, it is proper for me to state, that no such explanations ever took place, and so much the reverse of being satisfied were the commissioners, that they almost take shame to themselves for not ordering him to prison for the manner in which he gave his evidence. I think it necessary for me to make this declaration, standing as I do in the character of a servant of the public; and certainly such conduct as Wilson's on his examination before us is much to be condemned. If questions are put, and answers are thus to be refused—if inquiries respecting the application or mismanagement of the public money are to be trifled with, there is no utility in appointing commissioners of naval or military enquiry. We have the head of a board who refuses us all information—we come to the deputy, and he is equally silent—and thus may we go through the whole range, and still no satisfaction is obtained. Wishing, then, that these difficulties should be removed, the commissioners certainly never can express themselves satisfied with the manner in which Wilson eluded their investigations. Thus much have I felt it my duty to say respecting this part of the subject; and before I sit down, I shall add an observation or two respecting the conduct of the right hon. treasurer of the navy. I do say then, and say it with confidence, that the right hon. gent. did not give our inquiries all those facilities which might have been expected. We did encounter difficulties of a pretty formidable kind, to which the dilatory proceedings of that right hon. gent. did not a little contribute.

Mr. *Canning*.—I feel myself, sir, so personally alluded to by the hon. baronet, that I trust I shall be excused in rising again. I never stated that the commissioners of naval enquiry were, by means of subsequent information, satisfied with respect to the conduct of Wilson; what I said was, that the explanation given to me upon the subject would, I was confident, have satisfied the commissioners with respect to the person alluded to. I wish, however, to know whether the commissioners have reported the whole of the statement given in evidence by Mr. Wilson, aye or no? (Sir Charles Pole answered yes.) Mr. Canning was proceeding, when he was interrupted by

Mr. *Plumer*, who begged leave to remind the right hon. gent. that the regular way of conducting business, was to address the chair, instead of that sort of imperious catechising in which the right hon. gent. seemed so desirous to indulge.

Mr. *Canning* again proceeded; I ask, sir, of the hon. baronet, whether the commissioners of naval enquiry have reported the whole of the correspondence which took place between them and the treasurer of the navy, aye or no? (Sir Charles Pole said, no.) I know, sir, they have not, and

I shall to-morrow move for the whole of that correspondence, or at least such parts of it as are not contained in the report of the commissioners.

Sir *Charles Pole.*—The commissioners of naval enquiry reported, sir, all the answers made by Wilson. With respect to the correspondence with the treasurer of the navy there is no objection to produce it; the only reason why the commissioners did not state the whole of it was their desire not to overload the report.

Dr. *Laurence* defended Mr. Burke's conduct, in re-instating Messrs. Bembridge and Powell. He complimented the speaker, whom he considered as the abstract essence of public virtue, on the truly patriotic and constitutional vote which he gave on a former evening. He could by no means approve of the mode proposed by the Attorney-General, to defer the motion until the house should have regained its proper tone of moderation; it was nothing more than a project of the first law officer of the crown, to get rid of the question entirely. He had serious objections to the conduct of the right hon. gent. (Mr. Canning,) who had taken the word of Mr. Wilson against the report of the commissioners of naval enquiry, and who, instead of facilitating, as he should have done, the enquiry, had thrown obstacles, altogether unexpected, in the way of the commissioners.

Mr. *Canning* maintained his right to put the question with respect to Mr. Wilson, by the information he had: he defended the questions he had put, with respect to himself, by what he knew of his own knowledge. He begged his hon. and learned friend to suspend his judgment till he should have seen the whole correspondence, which he would not have wished to bring forward, if he did not think it would clear his conduct.

The *Solicitor-General* observed, that some topics, certainly not in an immediate manner connected with the question before the house, had been alluded to in the course of the debate. The learned doctor had reproached his right hon. friend near him, with catechising and putting questions to the hon. admiral who was at the head of the commission; but it could not be out of the recollection of the house, that his right hon. friend had been pretty smartly attacked, and was therefore in some measure called upon to make a reply. He had been severely attacked, or at least severe allusions had been made to the subject of his correspondence with the commissioners. He felt that he was bound to stand forward in his own defence, and he did ask whether the whole of his correspondence had been stated in the report? The answer was, "No," and the house would judge whether, in such case, his right hon. friend had not some claim to their indulgence. It had been said that his right hon. friend had withheld from the commissioners papers which it was necessary for them to possess, in order to prosecute their inquiry with success. If he (Mr. Gibbs) recollected the report as far as it touched upon this affair, it went merely to shew that his right hon. friend had objected to certain forms of proceeding, and had taken the advice of counsel whether he was bound to comply wtih the demands of the commissioners in this respect. He did not question the propriety of the demand of the commissioners, but had merely had a view to the practicability of complying with it in consistency with a proper regard to the conveniency of the public service. All the accounts, however, had been made out but one, and the papers had been presented to the commission. But from the manner in which gentlemen spoke of the act of parliament, and from the circumstance of one of the commissioners having stated that they took shame to themselves for not having imprisoned Mr. Wilson, one would think that persons were speaking of different acts. A clause had been introduced into this act, by which no person was bound to criminate himself. Yet it was contended, that those ought to be imprisoned who refused to answer questions that had this very tendency [gestures of dissent from the other side]. He was always very happy to be corrected if he was wrong, and from the gestures which he observed, he was inclined to think that he was mistaken. But he had certainly understood, that this was the meaning of what had been stated. But what was the use of this clause, if it were not intended that persons should avail themselves of it? Upon their construction, it would be entirely nugatory, for the moment an answer was refused upon its authority, guilt was to be presumed. He could by no means take upon himself to say that under no circumstance could a person incur any legal guilt without having derived any private advantage from the circumstance he meant to conceal. Undoubtedly it might be possible to incur guilt by endeavouring to shelter others, and in various other ways; but he would be glad to know, how it was possible to take advantage of this clause, and shelter himself under it, except by refusing to answer such questions as might involve him in pains and penalties? What explanation could he give? He could not enter upon explanations, because that, in effect, would be exposing himself to the very charge which he wished to avoid. But there was another thing to which he wished to advert: his right hon. friend had been accused of braving the house of commons; but surely, Mr. Wilson was not to be confounded with those on whom the house of commons had already passed a vote of censure. If these resolutions did not touch upon Mr. Wilson, how could his right hon. friend be said to brave the house of commons? From the gestures on the other side, it appeared that he might be mistaken.

Mr. *Fox* here interrupted the hon. and learned gent. and said that he could not be explaining every moment; but that, in the present instance, he had not said that the right hon. gentleman had braved the house of commons. He had only said that he had braved the opinion of the house of commons, and he would now go farther, and say, that he had braved the legislature.

The *Solicitor General* in continuation, expressed his surprize how that conduct could be called braving the legislature which had been expressly sanctioned by an act of the legislature. Who had braved the legislature? Not his right hon. friend, for he had only refused to remove from his office a person who had taken advantage of a clause in an act which the legislature had passed. Was it he who availed himself of the provision in the act that had braved the legislature? He could understand any thing but that.

Sir *Charles Pole* submitted it to the house whether the commission would not have attempted, in vain, to accomplish the ends for which they were instituted, while the person who was at the head of the office into the abuses of which they were enquiring, refused to them the means of information they called for. He denied that he had employed any unnecessary warmth. This was the first time that he had in the house given his opinion of the Tenth Report, and what he had said was from conviction, and not from any motives of personal hostility to the right hon. treasurer of the navy.

Mr. Serjeant *Best* thought the conduct of the treasurer of the navy, in not discharging Wilson, highly reprehensible. It had been argued that Wilson merely acted according to the instructions of Trotter, as if this were any excuse for his conduct. If he had acted properly, he ought to have disclosed the nefarious proceedings which were going forward, and by such a disclosure much of the evil which was now brought to light would never have been accomplished. It was also contended that Wilson, in availing himself of the clause in the act, not to answer questions to criminate himself, did only what was naturally to be expected. This, however, had nothing to do with the question, since nobody doubted his right to avail himself of the clause, if he thought his conduct required it. What was complained of, however, and with justice, was, that the treasurer of the navy retained in his office a person who had refused to answer some questions which an innocent man could have answered with the greatest safety. If a person had a servant, or a steward, and wished to ask some questions respecting the state of his affairs, and could obtain no satisfactory answer, what would be his conduct? He might think it very right for the servant not to answer questions to criminate himself, but he would also think it highly necessary to dismiss one from his employment who had such extraordinary secrets. The learned serjeant also condemned severely the conduct of the Treasurer of the navy for the difficulties which he had thrown in the way of the enquiries of the commissioners. It was as far back as the tenth of last July that the commissioners issued a precept to the treasurer of the navy, calling on him to produce certain papers, and it was not a little singular that two months elapsed before any answer was returned. What, in the mean time, was the conduct of the treasurer of the navy? Why truly, he could make no return to the commissioners till he had taken the advice of his majesty's attorney and solicitor general. This the learned gent. maintained, was to the commissioners as acting under the express sanction of parliament, extremely indecent and disrespectful. The treasurer of the navy, if he laboured under any difficulty how to act, ought to have applied to the commissoners for advice and instruction. It was not unknown to the house, that one of the commissioners was a member of the profession to which he had the honour to belong, and certainly, with all due deference to the attorney and solicitor general, his opinion was as greatly to be respected on all constitutional points as theirs possibly could be. The treasurer of the navy was culpable then for not applying to those whom parliament had invested with vast powers for the correction of enormous abuses. He put the case of a court of justice where certain important documents were to be procured. Here it would surely be strange if on an application for their production, a reference should be had, not to the court itself but to the crown lawyers. Not less extraordinary was the conduct of the treasurer of the navy. From July till October had elapsed to give time for the right hon. gent. to consult the attorney and solicitor general, and in the mean time no pains appeared to have been taken to procure the commissioners the information they required. Indeed, it appeared from the examination of Fennel, that though he was nominally employed to prepare the accounts, he was positively engaged in making out the accounts of lord Bayning, who had been out of office for 20 years. He was decidedly for the motion.

Mr. *Robert Ward* denied that the treasurer of the navy had been backward to furnish information. He had, on the contrary, given every possible facility to the enquiries of the commissioners. He went over the same grounds which had been traced by those who spoke on the same side of the question. He wished particularly to know whether the hon. admiral was serious in his assertion that the commissioners took shame to themselves for not putting Wilson in prison in consequence of his evidence? If they were serious in this assertion, they were fit only to be Inquisitors, and not legal temperate commissioners. [Here there were loud and violent marks of disapprobation.] Returning to the question before the House, he conjured gentlemen to look at the question with moderation and temper. With this view, he thought the delay of a day would be highly expedient, and in the mean time he was desirous that the whole paragraph should be read by the clerk at the table. This was the more necessary, as the paragraph as read by the hon. mover did not form a whole.—The whole was read accordingly, and the following makes up the whole paragraph complained of: "Those who were so very impatient to deprive Mr. Pitt of so able a coadjutor, were "equally zealous in their endeavours to "restore to the public the unaccounted "millions of which that public has been "so disgracefully robbed, there would "perhaps be some excuse for all that "affectation of public virtue which has "lately distinguished certain bawling patriots of the day. Lord Melville has "not deprived the public of a single "farthing. His most implacable enemies "have not dared to charge him with "such an act. Can as much be said of "the fathers of some men? If the public "were paid its pecuniary claims, long "since indisputably proved, certain furious patriots, instead of living in splendour, would be put on the parish. In "the future resolutions of the house of "commons, in the future resolutions of "all public meetings, we hope that an "immediate attention to the enormous "debts still due to the public by certain "noisy individuals will be strongly recommended."—As soon as the clerk had read this last paragraph,

Mr. *Fox* rose up, and emphatically asked,—is this any palliation?

Mr. *Ward* replied, that though it was no palliation, it afforded a good and sufficient reason for having the whole enquiry prosecuted with temper, particularly by persons whose families might appear to have been defaulters to a considerable amount.

Mr. *Sheridan* rose only to make a few observations. It was the less necessary for him to enlarge, as the house seemed agreed on the general question. He had no wish to discover any improper degree of heat on this or any other occasion, though certainly the honourable member who had so earnestly recommended moderation, had little of it indeed in his practice. He was not in the house when the right hon. gent. opposite (Mr. Pitt) gave notice of his intention to move on Monday for leave to bring in a bill to extend the powers of the commisioners of naval enquiry. He was happy to hear of this notice, and more so from the quarter whence it proceeded. If, however, the powers of the commissioners were to be renewed, it was necessary that their characters should stand high with the house and the public, and that such insinuations as those which the honourable member had thrown out should be loudly refuted. If they deserved the character that had been given of them by the learned gent. (Mr. Ward); if the hon. baronet at the head of the commission merited the observation of the learned gent., that he was not fit to be at the head of the commission, unquestionably if the commission was to be renewed, they ought not to be appointed on it. But, in order to vindicate the character of the commissioners from the effect of such insinuations, he felt it his duty to give notice, that on Wednesday next he should move the thanks of the house to the commissioners of naval enquiry.

Mr. *Peter Moore* contended that the commissioners had not reported of Mr. Wilson his having refused to answer any questions that might criminate himself, because it appeared by the report, that when asked whether he had derived any profit from the use of the public money, he had positively declared that he had not. The report of the commissioners only charged him with having declined answering questions which, in being answered, would expose the guilt of others. He should ask the learned gent. opposite, whether, if a witness were to decline answering questions of that description in a cause before the King's Bench, he would not be committed to prison? As to the conduct of the right hon. the treasurer of the navy, it appeared that the first application had been made to him on the 10th of July, a second on the 17th, and no answer having been returned, a third application had been made on the 2d of Oct., and it was not till the 3d of Oct. that an answer had been returned, after he had taken the opinion of his majesty's attorney and solicitor general, whether he was bound by the act to obey the precept of the commissioners. He put it therefore to the good sense of the house, whether the right hon. gent. had accurately acquitted himself of his duty? When the right hon. gent. had been asked, on a former occasion, whether he had dismissed Mr. Wilson? it was his opinion, that the question ought to have been carried further, whether he had dismissed himself. For when a public officer opposed himself to an enquiry relating to the public money, for the purpose of sheltering the delinquents, his guilt was nearly equal to that of the man who declined answering lest he should criminate them. He was happy that his hon. friend had given notice of a motion of thanks to the commissioners; for if no other member should bring the matter forward, it had been his intention to have given a similar notice previous to the adjournment.—The original motion was then put, and Mr. Peter Stuart was ordered to attend the house to-morrow.

[Proceedings respecting the Select Committee on the Tenth Naval Report.] Mr. *Whitbread* having enquired if the answer which his majesty had been pleased to return to the resolutions of the house which had been laid before him on Thursday the 11th instant, had been reported to the house;

The *Speaker* said that he had thought it a proper mark of respect to his majesty and to the house, to make the communication of the answer of his majesty the first business of the day.—On the motion of Mr. Whitbread, his majesty's answer was again read.

Mr. *Whitbread* then said, that he could not forbear expressing his astonishment that after such an interval, no step had been taken to evince his majesty's sense of the importance of the resolutions of that house. Several gazettes had appeared since the resolutions were carried up, and none of them had announced that the name of lord Melville had been expunged from the list of his majesty's privy council. Neither had the house been informed that night that his majesty had given orders for the books being laid before him for that purpose. Unquestionably there had been proceedings for the few last days which might have contributed to occupy his majesty's attention from this subject. He was therefore anxious to know from the right hon. the chancellor of the exchequer, before he gave notice of any motion on the subject, whether it was that right hon. gentleman's intention to recommend to his majesty to expunge the name of lord Meville from the list of the privy council?

The *Chancellor of the Exchequer* said, that he did not feel himself bound in consequence of any thing that had occurred in that house, on the day when the resolutions of parliament had been ordered to be laid before his majesty, to give any such advice to his majesty as that which the hon. gent. supposed. On the evening of Wednesday a motion to address his majesty on that subject had been made, and had afterwards been withdrawn, as it did not seem to be the sense of a great many members who had supported the original resolutions, that the house was in a condition at the moment to proceed to such an extremity. It was then argued that a removal from any place of trust and confidence would be sufficient, till farther light was thrown on the subject, by its having been ascertained by a select committee how far the noble lord was implicated in the business. A suggestion, however, was thrown out, that the noble lord, though he had then retired from office, might be again restored, and hold other places of trust and confidence, and it had been proposed, as a step which would be sufficient to guard against this circumstance, that the resolutions of the former night should be laid before his majesty. In this proposition he had concurred. But he certainly did understand it to have been the opinion and sense of the house, that that step would of itself be satisfactory. And under that impression he had not thought himself called on, nor did he now feel himself called on, till he was otherwise instructed by the house, to make any recommendation on the subject to his majesty.

Mr. *Whitbread* thought that a sense of duty should have dictated to the right hon. gent. to have formed a different conclusion from that which he had now professed. Indeed it had seemed to him absolutely impossible, after the solemn manner in which it had been determined that the resolutions of that night should be laid before his majesty, that the right hon. gent. could have abstained from recommending to his majesty a measure which seemed so naturally to follow from the knowledge of those resolutions. He could not figure how it was possible in more pointed terms to have expressed the sentiments of the house. The step which they had adopted was, to his conception, equally marked and pointed, as if the motion which he had that night submitted had been agreed to. If, however, the right hon. gent. thought that he had sufficiently satisfied his duty by allowing things to remain as they were, he (Mr. Whitbread) felt that he would not discharge his without giving notice of a motion, similar to the one which he had formerly withdrawn, for the first open day. He then fixed Tuesday next for that purpose.

Mr. *Whitbread* then proceeded to call the attention of the house to the subject of the motions of which he had given notice previous to the recess. He could not forbear from congratulating the house on the sense which seemed so universally to be entertained out of doors, of the conduct of the house in the votes which they had already passed on the subject of national abuses. The right hon. gent. opposite to him seemed also sensible of the general spirit which had been awakened through the country. He had that night, prematurely in one sense, and tardily in another, given notice of a motion which he unquestionably meant in some shape to meet the wishes of the people. In doing so, however, was not the right hon. gent. taking the business out of the hands of other hon. gentlemen, who had already given notice of similar intentions? That was not a novel practice, now for the first time adopted by the right hon. gent. It happened some years ago to him (Mr. Whitbread), on which occasion the right hon. gent. took a business out of his hands, but never did any thing under it. The right hon. gent. had indeed given notice of a much more extensive motion than had yet been proposed; but whether he had done so in consequence of hearing that such an intention had been declared in another quarter, and wished to take it out of their hands for the purpose of doing it away, he should not at present pretend to judge. If a new committee was appointed, he hoped it would be characterised by equal fidelity with that which had distinguished the commissioners for naval enquiry. The right hon. gent. had expressed a doubt if there existed any lavish or improper expenditure in the military department. On that subject he (Mr. Whitbread) entertained no doubts. He was convinced that in the military department as gross a system of peculation and plunder existed as had already in part been discovered in the naval expenditure. An hon. gent., a friend of the noble lord, had, in vindicating him from the present charge, asserted that he possessed opportunities in another department of making an immense and rapid fortune, without any chance of detection. That hon. gent. was well acquainted with the truth of what he stated: and was it to be supposed after what we had seen, that such opportunities did exist, and that too, without the possibility of detection, and that no advantage was taken of them. The thing was hardly to be looked for. The first motion which he should now submit to the consideration of the house, was for a select committee, for taking into farther consideration the tenth report of the commissioners of naval enquiry. There were still some dark parts in that report, on which he wished that farther enquiry should take place. It was not his intention to enter at any length into what passed on the last debate on the subject, farther than to say, that he thought the right hon. gent. opposite had not paid that proper respect to that house, and to the commissioners acting under their authority, which might have been expected, in not dismissing a person who had refused to answer the questions put to him, when called on under an act of parliament to give evidence. Would it be maintained that every witness was to be entitled to decline answering any question which might be put to him, on the pretence that it might criminate himself; and that the judge was not entitled to ask, in what respect, and to ascertain whether the allegation was real or feigned? The right hon. gent. himself actually condemned Wilson, and condemned his own conduct by the apology he now made for both. He now confesses that the clause of the act of parliament, does not apply to Wilson. According to his own account, Wilson tells him, and he now tells the house, that Wilson was the instrument and tool of Trotter. Would his being so involve him in legal, or even moral guilt, so as to excuse him from answering questions? The pretence was ridiculous, it was to screen his principal, not himself; for, as being merely a tool, any answer he might have made, might have gone to exculpate, but could not criminate himself. Equally well might the printer of the stamp on which the order was written, have refused answering any question which might have been put to him, lest he should criminate himself. Another hon. gent. (Mr. Ward) had been much offended at an expression which had fallen from the hon. president of the board of Enquiry—that he took blame to himself for not having committed Wilson to prison. He hoped that hon. gent. would attend on the night when the vote of thanks was to be moved to the commissioners of Naval Enquiry, and would then state what he had alleged that night, that in consequence of the declaration, the hon. president ought to be dismissed from his situation. He (Mr. Whitbread) declared, that had he been in the place of the hon. bart. he would have committed not only Wilson, but Sprott also; and so, he hoped, would every commissioner of Enquiry feel himself inclined to act. It was not his wish to trespass on the time of the house, and he should, therefore, conclude by moving his first motion, "That a select committee be appointed to make further enquiry into the matters contained in the report of the commissioners, and to report the same, with their opinions and observations thereon, to the house."

The *Chancellor of the Exchequer* rose, not to oppose the appointment of a select committee, but from a wish to clear himself from the charge of having prematurely given notice of a motion on any particular subject, and thereby taken it out of the hands of another gentleman. He spoke now in the presence of the hon. gent. alluded to, and he appealed to him, if the notice which he gave was not expressly conditional, that if he (Mr. Pitt) did not, on an early day after the recess, bring forward such a motion, he (Mr. Giles) would. When, at an earlier period of the session, the hon. gent. (Mr. Giles) moved for leave to bring in a bill for continuing the powers of that board; what was his (Mr. Pitt's) ground of objection? Was it that the period should not be extended? Quite the contrary. He allowed that full time ought to be given them for finishing their investigations, and his only objection was, that it would be premature to enlarge the period of their continuing in office at so early a period of the session till once it was ascertained whether the present session might not afford them sufficient time to complete their enquiries. If they were not likely, at a more advanced period of the session, to be able to complete their business before the end of it, he pledged himself then to move for the enlargement of their powers. Now as only one additional report had since been made, while it was stated that other objects of enquiry still remained, he felt it both his duty and his inclination to move for extending the period of their continuance. And, however much he confessed himself to be one of those who did declare that there were parts of their conduct of which he could not approve, he still felt it his duty to say, that they ought to continue. In this situation, he submitted to the candour of the house that there was no ground whatever for charging him with having taken the business out of the hands of any other hon. gent. There was another part of the hon.

gent.'s speech in which his sentiments had been misrepresented. He thought, as in the department into the management of which investigation had been made, they had discovered practices and malversations, of which they could not approve, it would be proper to make such inquiries into every branch of the revenue, as should go to shew, either that in other departments they did not exist, or, if they did, that it was the determination of parliament to take such measures as should detect and prevent them, in future. He did not say that none such existed. He only said that it must prove satisfactory to the public that the fact should be ascertained. In so great and expensive an establishment as that of Great Britain, in the midst of the perilous times too, which we had of late years to encounter, it was hardly to be expected that some acts of improper management would not present themselves. He was anxious, however, that the investigation should be gone into with temperance, moderation, and a regard for the public good.—The same motives which made him think the general subject one peculiarly deserving of attention and investigation, to be conducted on the immutable principles of justice, induced him heartily to concur in the appointment of a select committee, to consider farther the subject of the tenth report. He was particularly anxious for a most minute investigation into that part of it, in which, acccording to the statements of the hon. gent. he himself (Mr. Pitt) was implicated. On that subject, he was eager that the hon. gent. would bring forward every thing in his power. He hoped that in the many years of his life which had been devoted to the public service, he might presume, without flattery to himself, to think that he had so conducted himself, as to evince that he was beyond any corrupt or sordid motive.—He did suppose, that any one who knew him, would not imagine it possible that he could be a party to any transaction from corrupt views. But he did not wish to rest his justification on the partiality of his friends, or on that favourable opinion, which he was flattered, knowing a considerable portion of the house to entertain; he wished the facts to speak for themselves. As to the other part of the motion, he did not think it would be proper to refer the whole of the report to the committee, as he understood that the second motion of the hon. gent. was to direct a prosecution by the attorney general. If the enquiry was to be prosecuted by bill of discovery, as to the question of participation, it would be improper to refer that part of the report to the committee, or to establish two concurrent and collateral investigations. He did not think therefore, that any part of the report, which was to be the object of the bill of discovery, should be subjected to the enquiry of the committee. He was indifferent whether his object was to be attained by amendment, or by an understanding that such parts only of the report were to be submitted to the committee, as should not be the subject of investigation in the other course of proceeding. He had prepared some words, which he should move by way of amendment, as most consistent with form. The right hon. gent. then moved, "That a select committee be appointed, to consider further of the matter contained in the tenth report of the commissioners of Naval Enquiry, so far as the same relates to the application of sums granted for navy services to other branches of the public service, as also to the irregularities committed in the mode of drawing the money granted for the service of the navy from the Bank, and to any communications that might have been made to the chancellor of the exchequer, or the lords of the treasury, relative to such irregularities; and to the proceedings that might have been taken for recovery of the arrears due of the late Mr. Jellicoe."

Mr. *Fox* asked, if the house were to instruct the attorney general to commence a prosecution against lord Melville on any particular point, it would not be proper that that would also form a part of the enquiry of the committee? There was another point which he thought would not go with propriety to the committee; but would be better discussed in that house, and that was not a crimination, but an admonition to the right hon. gent. (Mr. Canning) on his continuing Mr. Wilson in office. This naturally led him to remark, that it was not by the house going into an enquiry on the tenth report alone; on the abuses in the military department, or in all the departments, that they could perform their duty. They could do their duty only by going into those enquiries seriously, and with an intent to persevere. If they were to go into enquiries, let them shew their sincerity by the persons whom they chose of the committee. Persons like the commissioners of naval enquiry, of fidelity, ability, and above all, courage; who had not shrunk from their duty, even when it called on them to expose one of the most powerful men in this country.—If they were for enquiry, let them endeavour, if possible, to get men equal to these commissioners. If they had to employ the attorney general to prosecute, they could not doubt, from what they had seen of him, he would not be a very willing advocate. He had no doubt the very persons who had expressed an opinion against the commissioners of Naval Enquiry would still be of opinion that they ought to be continued; yet this they would do not willingly. He did not blame the right h n. gent. (Mr. Pitt) for being the friend of lord Melville, yet he could not but think it unfortunate, that he should be the person to move for a committee on the other subjects of enquiry. If the committee had been to be moved for by some gentleman near him—by any person (he spoke in an abstract sense) not on the treasury bench, he thought it would have been better, more creditable, and more effectual. When a minister, under whose administration all the mismanagement and peculation have taken place, has the mortification to find that the delinquent is not a person remote, but his own nearest and dearest colleague, he cannot be the most proper person to move a committee to take cognizance of the malversations. He trusted the house would take care to have proper persons appointed in the committee. If that right hon. gent. had had the appointing of the five commissioners of naval enquiry, would they have the tenth report? He hoped the gentlemen that should be appointed would discharge their duty. It was natural that in appointing them, the favourable opinion of the gentleman who names them of those who concurred with him in opinion, would lead him to appoint only such. They could not prevent such partiality, but they could promote the effect of the enquiry, by encouraging those who assisted, and reprobating those who thwarted or obstructed it.—He did not think that the enquiry should be restricted by the words of the amendment, but he submitted to his hon. friend, whether the motion for the prosecution might not be better postponed till after the committee shall have reported, and ascertained by their enquiry what persons have been connected with the delinquents. The right hon. the Chancellor of the Exchequer had this day more openly than on any other occasion avowed his disapprobation of the conduct of the noble viscount, but he had also declared, that he did not look upon it as his duty to advise his majesty to any other step, unless the house, by a fresh decision, should make it necessary for him. This had raised his suspicion, and he thought it his duty to put the house on its guard. It had been, at different periods, customary to institute enquiries in that house; which were never afterwards thought of. He alluded to the commitee that was appointed to enquire into the state of the finances, just after the first stoppage of the bank to pay in cash, which had never proceeded to any researches, though it was now well known what they might have discovered. He thought the subject of the highest importance, and hoped the house would look to it with that jealousy it deserved.

The *Chancellor of the Exchequer* explained. He said, that he wished to exclude no part of the enquiry, but that which might be made the subject of legal examination. If the order of the motions were inverted, and the second put first, it would answer all he wished.

Mr. *Whitbread* explained, that he had no wish to do any thing inconsistent with justice. As, however, the principal object to the public in the appointing the committee, was the exposure of lord Melville's participation in the peculation, he would rather allow the other motion, for an instruction to the Attorney-General, to lay over, and confine himself to the first motion.

Mr. *Sheridan* was of opinion that they could not with any propriety proceed at the time with a legal prosecution, and with farther enquiries, by a committee, and that, therefore, all legal proceedings ought to be delayed till the committee, now proposed to be appointed, should have made its report. He could certainly have no objection to the measure proposed by the right hon. the Chancellor of the Exchequer for continuing the commission of naval enquiry, and for appointing others to investigate the other departments of the public expenditure. But, however willing he was to see any measure of this kind promoted, he could not see, without alarm, any disposition on the part of that right hon. gent. to appoint such commissioners. He wished the motion to have originated in some other quarter, and it was not his fault if that notice had not been long ago given for that purpose, and which he now thought there was reason to regret. Indeed, this notice, he understood, was to have been given to-day, had it not been thus anticipated. The right hon. gent. might have as a reason, perhaps, for his acceding to the appointment of a select committee, according to the motion of his hon. friend, that he himself (Mr. Pitt) had been implicated in the charges of the tenth report, and was anxious, therefore, that every fair enquiry should be made. The motive, it must be allowed, was extremely honourable: but till that enquiry was made, he was, in some measure, on his trial, and, therefore, by no means the fittest person to propose the motion for another commission.—But he urged another argument, of still greater weight, against that right hon. gent.'s nominating the committee proposed by his motion, which evidently must arise from the nature of the objects of enquiry. The conduct of the right hon gent. himself, it was evident, would be involved in that enquiry, whether it regarded the various departments of the army, or the management of the exchequer. It was, therefore, a very grave question with him, how far it was admissible for any appointment of that nature to originate in that quarter. The right hon. gent. might think it a popular measure. It was making the most, perhaps, of a case of necessity, and taking the merit of proposing what he could not prevent, but must certainly, at best, be considered as a very forward step.

Mr. *Canning* reminded the hon gent. (Mr. Whitbread) of a former profession he had made, namely, that of being ready to co-operate with his right hon. friend in any measure that had a tendency to promote the object he had in view. His right hon. friend had no design of delaying the enquiry; he was only of opinion that, if it was the intention of the hon. gent. to move for a legal prosecution, it would be proper to give that motion precedence of the other. The propriety of this arrangement was obvious. For those persons who were to be subjected to legal enquiry, were not to be expected to give any answer before the committee, that might tend to criminate them before a court of justice. Such an arrangement, therefore, would defeat the very end of any legal proceeding, and cramp at the same time the enquiries of the committee, as those persons were the only evidence from whom they were to derive their information. In regard to the amendment proposed by his right hon. friend, he entirely concurred in thinking that the committee ought to be confined to their proper object, and not to interfere in such points as should be judged necessary to be referred to a court of justice. If, therefore, the motion for a legal enquiry were first fixed, and the object or objects of that legal investigation determined, the committee would have the advantage of knowing to what objects they were to confine their exertions, and would be relieved from that part of the subject which would come under the cognizance of a court of justice. From the disposition the hon. gent. seemed to be in the last night this subject was before the house, he did not think he could have any objection to such an arrangement.

The *Chancellor of the Exchequer* disclaimed every idea of being implicated in any charges adduced by the tenth report, and challenged any gentleman to point out a single passage in the report that implicated him in any respect.

Mr. *Fox* admitted that there was no passage, to be sure, that directly implicated the right hon. gent.; but the article relative to the money for secret service, though it did not mention him by name, would certainly lead to a decision how far that right hon. gent. was involved.

Mr. *Grey* was of opinion that it would be impossible to carry on the two enquiries together; and to give up the question entirely to the attorney-general, was giving up too much. There was presumptive evidence, he thought, for concluding that lord Melville had participated in the emoluments diverted from the public service, and had therefore been of opinion at one time that it would be better to refer this part of the business to the attorney-general, and to appoint a committee to go on with the other objects of enquiry. Should the house, however, be of opinion that the whole business should be referred to the committee previously to any legal enquiry, he would willingly accede to it.

The *Master of the Rolls* declared it to be the practice of the house of commons, that whenever any point was determined by them to be referred to a court of law, all further enquiry and investigation ceased in the house. In that case a partial enquiry might take place, to ascertain whether or not it was proper to prosecute, but no further. Should the house choose the other alternative, they must abandon a civil process. The prosecution could not then be carried on to recover the public money, but the enquiry might be pursued for the purpose of inflicting punishment on those who had embezzled it.

Mr. *Fox* saw nothing improper in uniting the enquiry by a committee with the prosecution by law, and cited several precedents in support of his opinion.

The *Master of the Rolls* observed, that in those precedents the matter investigated had always gone in the first instance before the committee, and had never been primarily discussed in the house.

Mr. *Kinnaird* said, that the object of the present investigation was two-fold. In the first place, to ascertain from an examination of various parts of the report, the practicability of recovering the public money, and then to discover whether there were not grounds sufficiently strong to authorise an impeachment. If the house were under the necessity of relinquishing one of these points, he should certainly prefer abandoning the former. He entreated the house to consider whether the public would be satisfied with a civil suit if there were grounds sufficient for an impeachment. He saw no objection to appointing a committee with extensive powers, which powers might be diminished by the house, should they afterwards deem a prosecution necessary.

Mr. *George Ponsonby* was against submitting the business to the attorney general, as he did not think that was the most likely way of obtaining the object which the house had in view. Suppose the house should order the attorney general to file an information against those persons for money which had come into their hands, they might again refuse to give any answer, on the ground that they might possibly criminate themselves, and expose themselves to pains and penalties. The attorney general, who had exprest his opinion to-night that it was legal to refuse answering those questions, might possibly think it his duty not to resist such a defence. Besides that, it was not so clear that the courts of law could give any remedy in some cases which might occur. Supposing, for example, lord Melville, who had appointed Mr. Trotter his private agent, as well as paymaster to the navy, and who had drawn on him for sums of ten and twenty thousand pounds at a time, should have repaid those sums, but not with interest, this would be a corrupt participation, and a participation to a great extent in the profits of the abuse of the public money; and yet he did not know that a court of law could order any interest to be paid. Besides, if lord Melville and Mr. Trotter could demur to the information, that would put an end to the whole of the business. If a committee was appointed, he thought it would be fettering too much the power of the house to allow witnesses to decline answering on the mere pretext of not criminating themselves. The suppression of truth was almost as strong evidence as the admission of fact. He therefore wished the business should not be left entirely with the attorney general. He declared, that as to the persons concerned in these offences, his feelings were rather those of commiseration; but it was necessary that justice should be done on this great case; for the public would never be satisfied that they were sincere in their desire of detecting and punishing offenders, if this business was now left to a tribunal which would not have the power of doing effectual justice.

Lord *Henry Petty* could not allow the debate to proceed farther without expressing the strongest doubts of the sufficiency of proceeding at law, by leaving the whole business now with the attorney general. As the sense of the House had been strongly expressed on one point, he thought it the duty of the house to pursue that examination by which they had already ascertained a most important fact. From the tenth report of the commissioners, the house had already drawn a great and evident conclusion, "that lord Melville had been guilty of a violation of the law, and a high breach of duty." Did it follow, however, from that, that no other conclusions or determinations were to follow, but that they were immediately to divest themselves of all power of investigating further, and delegate all their powers to the attorney general? He thought the house ought not to delegate its power in that manner, but that it was their duty and a duty that the country expected from them, to pursue the examination, and sift those transactions to the bottom. When the house had discharged this duty, and done all that was in its power to do, then it would be time to call in the assistance of the attorney general and the courts of law, if it should be found necessary, for the great objects that parliament had in view.

Mr. *Whitbread* said, he had listened to all the observations that had been made by the different gentlemen who had spoken on this subject, and had heard nothing that altered his opinion: he, therefore, must persevere in the resolution he originally moved.

The *Chancellor of the Exchequer* said, in that case, he should persevere also in the amendment which he had moved; being firmly convinced that the mode he had suggested was the most likely to obtain the ends of justice.

Mr. *Whitbread* observed, that the right hon. gent. had changed the grounds on which he rested his amendment. He had proposed it on the grounds of the unreasonableness of expecting witnesses to give evidence before the committee which might expose themselves to prosecution.

The *Chancellor of the Exchequer* replied that the change proceeded entirely from the hon. gent. himself. He had on a former night given notice that he should move to-night that the attorney general should be ordered to prosecute. Upon the supposition that he meant to make this motion, he had moved the amendment. It now appeared that the hon. gent. himself had discovered that the motion of which he had so given notice, was not sufficiently matured, and he wished another report of a committee to precede it. The change was, therefore, most evidently on the part of the hon. gentleman.

Mr. *Whitbread* said, that when he came down to the house it was his intention to postpone that notice.

The *Chancellor of the Exchequer* had no objection to other gentlemen changing their opinions, if they thought proper; but he did not wish them to state that it was he who had changed his.

Mr. *Grey* did not apprehend that there was any great probability of the second committee being able to extract much more than the commissioners of naval enquiry had done. If there was to be a committee appointed for the purpose of investigating this business farther, he should, however, prefer a committee with general powers to one whose powers would be limited.

Mr. *Thomas Grenville* stated the question, which was, whether the house should reserve to themselves the entire power of investigating the whole of the report, or refer a portion of it to the prosecution of the law officers. If the house adopted the former proposition, he could not easily be persuaded that to that a reference to a court of law might be united. He confessed he was inclined to prefer the latter; and a great reason for this preference was his not being able to discover what superior means of arriving at the truth a select committee could possess over those belonging to a court of law. Why was it expected that a select committee should do more than the commissioners of naval enquiry, or all their extensive powers were enabled to do? On the contrary, in his opinion, all that was wanting in the board of commissioners could be supplied by a court of law, and by that alone. He sincerely wished his hon. friend had been induced to move, in the first place, that the attorney general be directed to prosecute, and in the second that a select committee be appointed to examine those parts of the Tenth Report which were not included in the matter for prosecution. Both his hon. friends' original motion, and the amendment by the right hon. gent. opposite, being however adhered to, and the question now being, whether a committee should be appointed with extensive powers, or a committee with limited powers, he was certainly disposed to vote for a committee with extensive powers, repeating at the same time, that he should have preferred the mode which he before alluded to.

The *Chancellor of the Exchequer* said, that he had proposed the committee to be invested with specific and limited powers, under the idea of a legal prosecution, at the same time as originally proposed by the framer of the motion.

Mr. *Windham* observed that his sentiments were so completely in unison with those of the learned gentleman on the second bench (Mr. Ponsonby), and with those of the noble lord who followed him (H. Petty), that he should not feel it necessary to trouble the house at any great length on the subject. He certainly wished, that the committee should be vested with extensive authority. As to the amendment proposed by the right hon. gent. even if it were necessary, it by no means included what it was intended to include. The true and accurate way of describing it would be to give to the committee what was not given to the law; but in his opinion the house should first fully discharge their own duty before they delegated their power to any other hands. A doubt had arisen in his mind on one of the points which had been introduced into the discussion. It seemed to be taken for granted by some gentlemen, that the house must make an option: that they were not at liberty to pursue the enquiry generally themselves, and then refer the examination of parts of the subject to another tribunal. In this opinion he certainly could not concur, although he was not prepared to contradict it. For his part, he saw no reason why these two measures were incompatible. He could not see why such an union was inconsistent with our jurisprudence. If, however, the house must either give up the prosecution by the law officers, or the institution of a select committee, he certainly would not hesitate in recommending the former: compelling the delinquents to refund the public property which they had amassed, was an object of infinitely less consequence than that a full declaration of the judgment of the house of commons on them should be made. That which was the instant and immediate duty of the house should first be performed. He deprecated the possibility of their power slipping into hands which, as had been stated by a learned gentleman, might not be able to effect any beneficial purpose; and there was then no return; the house could not resume what it had rashly abandoned. Under these impressions, he should give his decided vote for the motion of his hon. friend.

Lord *Castlereagh* said, there were two questions before the house, and they involved two modes of enquiry. The one was, whether the committee should be invested with extensive powers? the other, whether it would be eligible to limit those powers, and to assign a certain portion of the public duty to a court of law? The latter appeared, to his mind, by far the most eligible; for the natural answer of lord Melville and Mr. Trotter to the interrogatories of a committee, would be, that they could not reply, when their conduct was designed to undergo a future juridical examination. This evasion could not be resorted to in a court of law. His right hon. friend near him (Mr. Pitt), did not intend, by the amendment he proposed, that the investigation should be avoided; on the contrary, he suggested the most successful means of promoting it, and if any gentleman would intimate any additional authority with which the commissioners might be clothed, not interfering with the legal branch of the subject, he had no doubt his right hon. friend would gladly join in conferring such farther power.

Mr. *Bankes* argued the expediency of appointing a committee of enquiry, and on their report instituting any legal proceedings. He had no doubt that he differed from all parties in the house, when he expressed his wish, that the matter should be referred back to the commissioners of naval enquiry, arming them with fresh powers, that they might be enabled to prosecute their researches to the desired point. The hon. gent. expressed great doubt, whether the individuals accused could be compelled to refund the public money, asserting that considerable difference of opinion existed on the subject among several sages of the law, and observed, that in 1782 and 1783, a similar circumstance had been debated in the house, the result of which was by no means favourable to the hopes of those who thought that such repayment could be compelled.

Mr. Serjeant *Best* preferred proceeding in the business exclusively in the committee. The noble lord objected to that mode, because evasive answers would be given to the commissioners. Was the noble lord uninformed, that in a court of law the same expedient might be resorted to by the parties implicated? There were many advantages in such an enquiry, possessed by a committee, from which a court of justice must be precluded: the latter must confine its attention to the immediate matter charged; the former might extend its examination according to the new lights received, and the unexpected circumstances disclosed in the progress of the affair. What was to be attained by the proposed juridical proceeding? Restitution. True. But restitution was a very inferior object. The leading design was to exhibit a terrible example of the consequences of public delinquency. The table of the house was already crowded with petitions, indicative of the public sentiments. Would the commons of England disregard the opinions, and disappoint the expectations of the people? Would they yet do more, and abandon the sacred duty with which they were entrusted? Was the house afraid to confide in its own committee, and should the members of it be fettered by needless restrictions? He sincerely hoped the right hon. gent. would not persist in his amendment, but if he did, that the house would assert its own dignity and independence, and justify the hopes of the nation.

Sir *John Cox Hippisley* said, that although he had taken no part in the proceedings hitherto, (being withheld from considerations which were perfectly justifiable in his own mind,) he could not refrain from making a few observations on some parts of the evidence contained in the report of the commissioners, as it had given place to much misapprehension. It was a great misfortune in itself, for any individual to fall under the censure of that house, and it needed not to be aggravated by representations which, by implication, went even to a charge of constructive perjury against one of the persons who was an object of the resolutions. Mr. Trotter had stated before the commissioners, upon oath, that all the drafts made on the bank, were strictly conformable to the provisions of the act. The evidence of Mr. Abraham Newland, who must be considered as a host of credit and presumed accuracy, was directly opposed to that of Mr. Trotter, and it needed not to be insisted upon, on which side the public, and possibly the house, might lean in respect to these contrasted facts. It occurred, however, that after the resolutions had been voted, an honourable member who was himself a bank director had expressly stated in his place, on the second night of the debate, that upon an accurate examination of the books of the Bank, it appeared that all the drafts of the treasurer and his deputy had been drawn in strict conformity to the act, and consequently that Mr. Newland was mistaken in the evidence he gave before the commissioners. This important fact was adduced by the honourable member in justification of the bank, of which he was director; but it is fair also to refer to it in exculpation so far of Mr. Trotter, who otherwise must labour under a suspicion of having sworn what was untrue. It appeared that Mr. Newland was not charged with the department in which the drafts were presented. A right honourable friend below him had disclaimed all vindictive measures, and observed that the proposed proceedings in the exchequer might possibly go to the ruin of the individual, in the present instance, without answering completely the ends of public justice, which might possibly be better effected by the appointment of a committee with full powers, at least in the first instance. Another hon. gent. had expressed feelings highly creditable to himself in declaring that his commiseration for those who fell under the weight of the recorded displeasure of this house, went hand in hand with his desire to pursue all that justice required! The hon. baronet therefore trusted that no prejudice would operate on the minds of any gentleman within that house, but that those who had fallen under its censure would be enabled to meet whatever proceedings might be instituted against them without any prejudgement from unsubstantiated charges or misrepresentation. Another circumstance also had been much insisted upon to the prejudice of the late paymaster, viz. the advice he gave Mr. Tierney on quitting his office, which that gentleman had followed, and which had been considered as resulting less from a desire to be serviceable to the public than to bar the advantages (as the commissioners had reported) of his successor. To this fact the hon. baronet appealed to Mr. Tierney himself, who did not appear, as far as he had understood him, to have considered it in that view, but merely as growing out of a conversation on the means to avoid accidental loss on the transit of money from the bank to the office. The hon. baronet avowed a remote family connexion with the late paymaster, but he trusted that he might be allowed to indulge his feelings to a certain extent in consequence of that affinity, without being suspected for a moment to entertain a wish to check the course of public justice, as applying to Mr. Trotter or to any other person who stood under the censure of that house. He trusted also that whatever proceedings might be adopted by the house, their justice would be tempered with mercy. He then adverted to the prevalent prejudices in the public mind with respect to Mr. Trotter's great accumulations, but he could venture to assure the house that the "immense palace" so often adverted to was nearly as visionary as the "palace of Aladdin;" being a house of very moderate extent or accommodation, and upon which had been expended less than 8000l.; and further that the total of Mr. Trotter's income derived from all his real and personal property, without any reservation or subterfuge, did not exceed 1200l. a year. To these facts he could pledge himself; they had been ascertained to the satisfaction of a great number of persons, and he was assured that in whatever future proceedings the house might institute to obtain the full disclosure of Mr. Trotter's affairs, they would appear to the conviction of the house and the public.

Mr. *Tierney* asserted, that the drafts on the bank might be drawn in the way prescribed by the act, and yet the law might be most grossly violated. The object of the statute was to keep the public money, under the orders of the treasurer of the navy, in the bank, and for this purpose it was enacted, that no draft should be issued but for some special navy service. It would probably be found, that a special service was stated when no such service existed. The act directed, that the property in the bank should vest in the sucessor to the office; but when the money was transferred to Messrs. Coutts and Co. this purpose of the legislature was disappointed. Supposing the event of the death of Mr. Trotter had taken place, and the million of money had been with Messrs. Coutts and Co. on the change in the treasurer of the navy: until administration was taken out, the property could not be removed, and who would have administered to the effects of Mr. Trotter? It was true that he (Mr. Tierney) had held some conversation with Mr. Trotter, and the latter gentleman communicated, as an important secret, that he had devised the means by which all hazard by the loss of drafts on the bank by messengers would be avoided, and that was, by what he called a *write off.* He well remembered, on the occasion of this grand disclosure, the word legacy was used: a person who was present in the office observed, "Here is a legacy of Mr. Trotter's, he is determined we should not obtain the same emoluments he has enjoyed." Having said thus much on official matters, in answer to the hon. gentleman who spoke last, he would now say a few words to the question before the house. He could have no view on the present occasion, but to follow up the general design intimated by the resolutions on a preceding night. The house had determined there had been a violation of law; and farther, that advantages had been derived, which ought not to have been conceded. With respect to the last, he could not avoid considering that the restitution of public money would be best obtained by a legal process; but on such a subject he must speak with diffidence, as the law officers attending in that house had not thought fit to hazard any opinion. He was anxious to learn, if they also judged this to be the best mode of proceeding, what would they undertake? would they compel Mr. Trotter to account for the misapplication of the public money? Could they ascertain the quantum of the deficit? He feared the law officers would have no means of ascertaining how far lord Melville participated in the profits; he supposed the utmost of which they could acquire information, would be the aggregate of such profits. Although he thought the courts of law could conduct best the part of the business to which he had just alluded, yet he thought at present that full powers should be given to the committee; the strong inquisitorial authority of the house was the most effectual and solemn in the existing circumstances, and would be most satisfactory to the public.

The *Attorney General* would not enter into a comparison of the greater or less power which might be exerted by a committee of the house or a court of law. That of the committee might no doubt be the greater. But should it be the opinion of the house, that he, in his capacity of his majesty's attorney-general, should proceed against lord Melville and Mr. Trotter for the recovery of the profits they may have derived from the use of the public money, he was ready to confess, that however he might proceed, they would still have the power to demur. So far, then, as an ample source of information might be expected to be derived from such a prosecution, that expectation might be frustrated. As to his own particular opinion, he was ready to say, that the law officers of the crown could undertake for nothing respecting the result, whether a civil or a criminal proceeding was to be instituted. He at least should only say, that whatever he undertook, he should endeavour fairly and faithfully to discharge as his duty directed. Should the matter be brought before a committee, they might not hesitate to infer the guilt of the accused, should they take refuge under the protection of the law. In so doing, the committee would, no doubt, go farther than a legal proceeding could attempt to go; yet as far as evidence would justify him, he should equally proceed to discover to what extent lord Melville might have participated in the profits of Mr. Trotter, and how far, consequently, lord Melville stood responsible to refund to the public. It was the inclination of his opinion, that if profits appeared to have been made by Mr. Trotter, which could not be traced to lord Melville, then he could not proceed on the principle to recover equally from lord Melville. It would therefore be incumbent on him to examine to what degree lord Melville might be responsible, and that extent must be measured by the nature of the evidence. The only and great difficulty was to ascertain that point before there was any regulation to ascertain it. But these profits had since been regulated, and if they could now be traceable to lord Melville, they would no doubt be recoverable. The question would still remain, whether the profits were made by the public money, or by sums drawn in favour of individuals. This could as easily be ascertained in a court of law as by a committee, nay better. The committee might be excluded from most of the intelligence which might be procured by a legal proceeding. Even were the committee agreed to, lord Melville and Mr. Trotter might still remain with mouths closed, and neither be convicted by themselves or any other means the committee could resort to. He should therefore vote against the committee, unless it were intended to follow up the report by some criminal proceeding.

Mr. *Tierney* in explanation said, that he wished it to be distinctly stated whether, if Mr. Trotter should state what was the amount of the profit which had been gained by the use of the public money, it would be consistent with the forms of law in that case, to ask, whether lord Melville had participated to any, and to what amount, in such profits?

The *Attorney General* stated that he believed, if it should be said that the public monies which had been so improperly applied had been fully restored to their use, it would not be in their power to press the question farther.

Mr. *Alexander* observed, that he had always had the greatest deference for public opinion, but he hoped that the day would never come when the house of commons would, contrary to their own good sense, be induced to adopt a particular line of conduct in consequence of any public clamour which might then be raised. He had attended minutely to the different arguments which had been used on both sides, and upon a serious consideration of the whole, it appeared to him, that the mode of proceeding by law was the most temperate and dispassionate that could be adopted in the present instance.

Mr. *Sheridan* wished to make an observation or two upon what had fallen from the right hon. mover of the amendment. The amendment of the right hon. gent. seemed to assume that the house had already determined the matter should be sent before a court of equity. A motion to that effect might have been intended; but reasons had been adduced to caution the house to pause before it was adopted. Perhaps the right hon. gent. himself might make that motion, but he should not assume it to be already made and decided. He could not but commend the delicacy of the learned gentleman (the attorney general). The learned gentleman cautiously abstained from deciding whether a legal proceeding should be instituted or not. At least, he had given no reason to expect that any good could be expected to result from it; and all the other great law officers were equally silent upon that point. But what says the learned gentleman, "whatever may be the mode of proceeding may they not demur, and refuse to answer? and if they demur, where is the compulsion?' Before a committee, they could demur only under the protection of the fifth clause of the act. Still he would have lord Melville and Mr. Trotter brought before the committee. Who could pronounce what might be in the contemplation of the committee to adopt? and if no suggestion had been thrown out of a prosecution by the attorney general, why should it be supposed that the committee would be found to institute one? The learned gent. gives the preference to a court of justice; and for what reason? No doubt, only because it is proposed to limit and cripple the powers of the committee. There you might examine the books, the clerks of Messrs. Drummond, or Coutts: there you might take *vivâ voce* evidence. What was the language held upon a former night? Was not the house told—"do not be rash, do not come to a vote before a select committee furnish you with evidence?" Those therefore who then accused you of rashness, are now themselves ready to vote for a prosecution in a court of equity, though no evidence is produced by the committee. In whatever light it was viewed, there was every reason to lament the proposed amendment of the right honourable gentleman. It would have the worst possible effect out of the house. Let it not be said, that the house was already tired of the first appearance of the good that had been done. He was not one of those who exulted in the applause bestowed on the house for its first decision. That applause savoured somewhat of applause at seeing the house do its duty; it had done no more; was there room for surprise that such a resolution, after such evidence, should have been carried by a majority of *one*? For his part he hoped the public eye would remain steadily upon the business, and attend to see how it would be followed up; as anxiously did he hope, that the right honourable gentleman would not shackle the inquiry by any unnecessary restrictions.

The *Chancellor of the Exchequer*, in explanation, said, the hon. gent. had described the amendment proposed, as if he had not listened to its terms. His object was to give the committee full power to examine every matter, but that which was committed to the attorney general. The proposition which had been supposed to be designed to get rid of all enquiry, was acknowledged to coincide with the first intentions of the hon. mover of the question.

Mr. *Fuller* reminded the house, that an hon. member under the gallery (sir J. C. Hippesley) had said, that he could prove that the most magnificent edifices, and the most superb palaces, had been raised out of twelve hundred pounds a year! In such a case he should be ashamed to belong to any party, but he thought it his duty to recommend further inquiry into the business. A great deal had been said about the propriety of persons answering to questions which might tend to criminate themselves. He knew, without possessing at the same time any knowledge of the regular forms of law, that it had been the uniform practice of every villain at the Old Bailey, for these hundred years past, to say, "O Lord, I must not answer that question, because it may lead to convict myself!" But in honourable society, what would be said of a gentleman who would answer in this manner? On the other hand, if a person in office did honestly confess that he had misapplied the public money, but would prove, that he had not done so to enrich himself, the generosity of that house, and of Englishmen in general was such, that he might be certain of being free from any further prosecution.

Mr. *Fox* stated the grounds on which he should give his vote to-night, and with which he hoped the majority of the house would concur. He agreed with the right hon. gent. that a committee considering this subject, must be either limited by instructions of the house, or by their own discretion, to certain specific points. He never listened to a debate with more attention than he had done to the present, and never had he more complete conviction than from this. From every gentleman who spoke, but more particularly from an hon. and learned gentleman, who had most influence with him, on this occasion, the attorney general, who in a clear, able, and honourable speech, had told the house the result of a prosecution by a person in his official situation; by which it was manifest, that the prosecution would come to nothing; for whatever might be the law on the question, whether the party would be obliged to refund the money, which had been unfairly gained, if it was money belonging to the public, (and the learned gent. inclined to the affirmative of that proposition), yet as the prosecution by the attorney general calling on the party to refund, was in the nature of a civil action, it was clearly the opinion of the learned gent. that if the money so unfairly made use of for private emolument, should be held not to be in strictness the money of the public, but the money of the individuals who claimed, its restitution to the public could not be ordered by a court of justice, because the money was not deemed to be the money of the public. The prosecution therefore for restitution to the public, would in this event fail; and he could not help connecting this idea with what he heard on the 8th of this month in the house, from whom he could not recollect, although there was an impression on his mind that it came from the most respectable authority in the house, which was, that the money in question did not belong to the public, but must be considered as the property of individuals; and if so, the prosecution by the attorney general must fail, as far as regarded the recovery of the money. Besides, if the case were not so, and the prosecution was instituted, it would be so easy for Mr. Trotter to transfer to my Lord Melville, or my Lord Melville to transfer to Mr.

Trotter, as the case might suit them, so as to elude all justice. But although this part of the case appeared very important in the views of some person, it was comparatively trivial in the view he took of it altogether. His great anxiety was for the honour and character of the house. It had been said that the house ought never to come to any decision against its judgment, on account of any supposed impression made on the public, that their constituents had no right to bind the house to vote against what appeared just to the house. It was true the public had no right to insist on the judgment of the house being in any particular way on any given case, and that such was his opinion he had given proof in the earlier part of his life; but although the public had no right to tell the house what should be the result of its enquiry, it had a right to say that the house should enquire; that was a duty the house owed to the public; and not only to enquire into any public abuse, but to enquire in the most efficient manner. Now, he had no hesitation in saying, that the most efficient manner appeared to him to be by a committee of the house, and if so, the public would have a right to say, if the house did not adopt that mode, it was guilty of a dereliction of its duty. It was true that neither Mr. Trotter nor my lord Melville, nor any of their agents, would be obliged to answer any thing before a committee of the house to criminate themselves, any more than they would be obliged to do before a court of law; but then it must be remembered, that if they refused to answer the committee any fair questions put to them, it would be in the power of the committee to report them as persons misconducting themselves; and as they were persons holding offices under government, they might very fairly be cashiered. But as to the examination of Mr. Trotter or lord Melville, he did not think them so important as some others might do. Had he been on the committee of naval enquiry, he doubted whether he should have proposed to have examined either; for the great object with him would have been to have looked into the accounts, public and private, for they afforded better evidence than any thing that could be expected to come out of the mouth of any delinquent whatever. Not that he would not have heard them, if they desired it, but he should not think of sending for them as witnesses to explain any matters in which they appeared to be delinquents, because very little useful information could be expected from them. The question was, what was the power the house was called upon to give out of its hands? That power was no less than that of enquiring into all the minute details of the whole case. Then followed another question, whether if the house gave that power out of its hands, it was reasonable to expect that the hands in which they trusted it, would have the same power of examining the matter as the house had? A question which it was impossible to answer in the affirmative, by adopting the mode proposed by the amendment, therefore, the house would change the best security for a bad one, for preventing future depredations on the public, and that its constituents might call a dereliction of its duty, and were likely to do so, when they found the mode proposed to be adopted by the amendment was the mode which the most particular fr ends of my lord Melville were the most partial to, which they hardly would do, if they thought it would press hard upon him. He was apprehensive that the public would be justly dissatisfied with the house if it did not do its duty in this case, which it could not do without adopting the mode best calculated to investigate this matter fully, which, in his opinion, would alone be well done by a committee, such as was proposed by his hon. friend's motion.

Mr. *Canning* was surprised how any man could accuse his right hon. friend of any intention to cripple the enquiry; it was only limited to the essential points it should have in view. Besides, his right hon. friend left gentlemen on the other side the option of which mode they should pursue. He could not but advert to the topic, concerning which so much clamour had been raised out of doors. Nothing was so much insisted on as the loss which the public had sustained by these transactions. If there was a loss, let it be ascertained; if not, let the mistake be corrected; and how could that be better done, than by the mode recommended? How could the money be better secured than by a legal proceeding? It was rather wonderful that gentlemen, who in every other respect were so anxious to abide by what was prescribed by the commissioners, should in this instance refuse to adopt that authority. The commissioners pointed out the proceeding of a court of law, yet gentlemen now wished to shrink from that mode of proceeding. Indeed they seemed solicitous only to follow what made an impression out of doors, and to change their ground, and shape their conduct in the manner the most likely to catch a few stray votes.

The *Solicitor General* supported the amendment, in a speech of considerable length, in which he maintained that all the evidence which could be examined before a committee of the house, could also be examined before a court of justice; with this advantage, that before the latter it would all be given with the solemnity of an oath, and before a select committee, it would be without that solemnity.

Mr. *Fonblanque* stated the inconveniences which would arise in the discussion of this matter in a court of equity, as reasons why the house should consider a great deal before it gave up its own control over the case in order to send it before that tribunal.

Mr. *Whitbread* replied to the different observations which had been made against his motion, but chiefly those which had been urged by Mr. Canning. He did not change his ground for the purpose of taking in any stray votes; he appealed to the good sense of the house as to his having changed his mode of proceeding since the debate commenced. He did not see any reproach attaching to that, for it was the result of the force of arguments from his friends, and he saw no disrespect to the house for a man to change his opinion in the course of a debate; He thought the use of a good argument was to convince those who heard it, and he hoped he should never be so arrogant, as to think that his mind was so perfect as to be incapable of receiving instructions from the minds of others. He had once thought of a prosecution against my lord Melville by the attorney general, but he was convinced, from what he had heard to-night, there was but little prospect of any restitution of property to the public by that mode of proceeding; he had therefore for the present abandoned it, and he adhered only to the motion for a committee. As his motion stated, the great object with him was not to pursue lord Melville as a public debtor, but to prosecute him as a public delinquent. Not that he gave any other proceeding up, for he held himself at liberty to take any of the modes proposed to be adopted on this occasion, but he abandoned them all for the present, except that of the committee proposed by his motion, and as he gave up the other measures, he expected the support of the right hon. gent. (Mr. Canning), who had spoken so vehemently against him to-night. He had great hopes the house would continue to deserve the approbation of the public by its determination this night.—The house then divided—For the amendment 229; for Mr. Whitbread's motion 151; majority for the amendment 78.

Mr. *Whitbread* then said, that he held in his hand a list of members whom he meant to propose to the consideration of the house, as fit persons to compose a committee to whom the subject should be referred. It was of the utmost importance that this committee should consist of persons whose character for talents, independence and integrity, should give confidence to the country, and he was sure that no objection would be made to any one of the names that he held in his hand. They were selected, without consideration to party, from both sides of the house. He read over the names, as follows:—Mr. Baker, Mr. Bankes, Mr. Blackburn, Mr. N. Calvert, Hon. Spencer Cowper, Mr. Creevey, Hon. Mr. Pierrepoint, Hon. John Fane, Sir John Newport, Lord Folkstone, F. Gregor, Esq. Lord Archibald Hamilton, Mr. Madocks, Lord Marsham, Hon. H. Lascelles, Sir John Wrottesley, Sir Robert Peele, Lord Henry Petty, Mr. Sheridan, Mr. Whitbread, Lord Robert Spencer, and concluded with moving the first name, William Baker, Esq. member for the county of Hertford.

The *Chancellor of the Exchequer* objected to this mode of naming the committee, and moved as an amendment, that the committee should be chosen by ballot.

Mr. *Fox* expressed his astonishment, that on a subject of such moment the right hon. gent. should resort to this mode. Nothing but the most perfect publicity could satisfy the ends of justice, or convince the public that they were in earnest. He said, that it was perfectly understood that a select committee of 21, if chosen by ballot, was a committee of persons who, somehow or another, spoke the sentiments of the minister, and if this were chosen in that way, jealousy and distrust would be the consequence; that this was a committee to try the ministers themselves, and that it was a monstrous thing that it should be nominated in a way that would countenance the supposition of influence.

The *Chancellor of the Exchequer* answered, that the mode of ballot was the ancient usage of parliament in such cases. To the proceedings of committees chosen by ballot, the country owed the highest obligations, and he trusted his friends would not be diverted from following the ancient practice of the house in the best times by any insinuations of sinister motives. After a few words from Mr. Grey, the house divided on the motion for a ballot. Ayes 251; noes 120; majority 131.—Adjourned.

HOUSE OF LORDS.

Friday, April 26.

[Minutes.] The consideration of the appeal cause, Cathcart, Bart. *v.* the earl of Cassilis, being resumed, Mr. H. Erskine was heard on behalf of the noble respondent.—The bills upon the table, chiefly of a private or local description, were read in their several stages.—The lord Chancellor called the attention of their lordships to the great number and accumulation of appeal causes and writs of error which now lay over for consideration, particularly with respect to those which came from Ireland and Scotland. According to the present mode of proceeding, the attention of their lordships could not be regularly drawn to some of these, perhaps for years. It would be important that some line should be endeavoured to be struck out, or some arrangements formed, with a view to the more regular and expeditious hearing or disposal of these causes, in reference to the concerns of the parties, as well as to the business of the house. Under this impression, he should move for the appointment of a committee of their lordships, to take the subject, which was one in every point of view of great importance, into consideration. In such a proceeding, the order of rotation for hearing, in which the different cases at present stood, the respective general natures of the cases, and also the places from whence the appeals were made, should be taken into consideration. It was his idea that their lordships who were present this session should be empowered to sit in such a committee. His lordship then moved to the following effect: "That a committee of the Lords present this session be appointed to take into consideration the different appeals and writs of error now pending before the house, with a reference to a more regular, convenient, and expeditious mode of hearing and proceeding on the same; and that the said committee do commence its proceedings on Tuesday next."—This proposition meeting the sense of their lordships, it was ordered accordingly.

[West India Accounts.] The Earl of *Suffolk*, after shortly adverting to a recent communication which he had with the noble secretary of state, then in his place, observed, he should have to move their lordships with respect to the production of certain very important public accounts. He was aware that documents of this nature should not in general be produced, except adequate parliamentary or public grounds were laid for their exposition. In the present instance, he was confident the ground he should proceed on was unobjectionable in these points of view; it was no less than that of public delinquency, which, he had reason to think, he could make appear, in case the documents he should forthwith move for were granted to him; and this consideration, without going farther, he would aver, was an adequate and sufficient reason for their production. The noble earl then moved, "That an humble address be presented to his majesty, praying that he would be graciously pleased to order that there be laid before the house, an account of all monies and sums drawn from the West Indies, upon his majesty's treasury, from the 1st of Dec. 1798, to the 1st of Dec. 1802, specifying the amount of the respective drafts, the time of their being respectively drawn, and the different times of payment."

Lord *Hawkesbury* said, he did not rise to oppose the motion, the nature of which the noble earl had communicated to him a few minutes since; but, to express his opinion generally, that documents of the kind should not be produced, unless some adequate parliamentary or public grounds were laid for such production. Such motions should not be made, as he feared, was sometimes the case, idly, or upon light grounds. For, independent of other important considerations, it should be recollected, that such proceedings induce great inconvenience, at different public offices, and sometimes so as materially to interfere with the necessary dispatch of public business. To the present motion he had no objection; nor did he mean, in any thing said, the least to call in question the general right of parliament, on sufficient grounds, to call for official information; more especially in what (and which was peculiarly and constitutionally its province) concerned the public expenditure.

The Earl of *Suffolk* acquiesced in the observations of the noble secretary of state. There was one expression which, he said, he was sorry had fallen from him, namely, a motion idly made. This by no means could apply to that which he had just submitted to the house; for, if he were not greatly mistaken, or misinformed, he could ground, upon the documents moved for, a charge of delinquency on the part of the treasury.

Lord *Hawkesbury* explained, that it was obvious, that what he stated generally could not be intended to apply to the motion of the noble earl, inasmuch as he expressly stated he did not mean to oppose it.—The question was then put, and the address ordered accordingly.—Adjourned.

HOUSE OF COMMONS.

Friday, April 26.

[Minutes.] A new writ was ordered for Bleachingley, in the room of James Mills, Esq. deceased.—Sir John Newport, after observing that the order of the house made on the 7th March last, for an account of the expences of state prosecutions in Ireland, had not been complied with, moved that it be forthwith complied with. Ordered.—On the motion of Sir John Newport, it was ordered that the several papers presented yesterday from the office of the Chief Secretary for Ireland, be printed.—Sir John Anderson brought up a bill for making a Tunnel under the Thames, from the parish of Rotherhithe, in Surrey, to the parish of St. John Wapping, in Middlesex. Read a first, and ordered to be read a second time.—On the motion of Mr. Rose, the Thames Lastage and Ballastage bill was read a second time.—Sir M. W. Ridley observed, that this bill repealed all the regulations of former acts, and substituted other very important ones which required a good deal of consideration; he therefore requested the right hon. gent. would not push it immediately through a committee, but allow a few days for that purpose: to which Mr. Rose acceding, the bill was ordered to be committed to a committee of the whole house on Monday fortnight.—On the motion of sir A. S. Hammond, it was ordered that there be laid before the house a copy of a letter from the Comptroller of the Navy to the Board of Admiralty, dated 22d April, 1805, on the subject of the evidence printed in the 11th Report of the Commissioners of Naval Enquiry; together with copies of sundry papers therein referred to.—Mr. Creevey referred to some observations which had been made some time since on the subject of the revenue of the Isle of Man. It might be recollected that it was then stated that the surplus of the revenue of that island for six years had amounted to the sum of 20,000*l.* Upon enquiry into its application, it was said that in the year 1802, the sum of 3,000*l.* had been paid into the Exchequer, and passed over to the consolidated fund, notwithstanding there was a specific act of parliament against such application. Of course there was the sum of 17,000*l.* remaining for the purposes of the island. The hon. member then gave notice, that he would on Friday next move for a committee to enquire into the application of the remainder of the surplus revenue of the Isle of Man.

[Ballot for a Select Committee on the 10th Naval Report.] On the motion of the Chancellor of the Exchequer, the order of the day for balloting a Select Committee, was read. The serjeant at arms having, in pursuance of order, gone to the speaker's chambers, the court of requests, and places adjacent, to summon the members, the balloting proceeded. When all the names of the members had been read by the clerk, and when those who chose to vote had deposited their lists in the balloting glass,

Mr. *Sturges Bourne* moved, that a committee be appointed to examine the lists, and to report to the house the names of the twenty-one members who had the majority of votes.

Mr. *Whitbread* rose, and said he had still stronger reasons now than he had yesterday, for his objection to the mode of proceeding by ballot. He was then apprehensive that such a mode would, in fact, subject the nomination of that committee to the influence and dictation of a minister. This day he found those apprehensions strengthened, by a very confident rumour circulated, upon he knew not what authority, that, notwithstanding all the apparent fairness and impartiality of a ballot, yet that the names to be returned upon the committee were pre-determined by the minister; by which the business of the ballot was converted into a solemn mockery, and rendered wholly nugatory as to the obvious intentions of the house. A list of those names had been this day put into his hand, which he would now read in his place—Lord Castlereagh, Mr. Whitbread, Master of the Rolls, Mr. W. Windham, sir W. Scott, Mr. T. Grenville, Mr. Ryder, lord George Cavendish, lord Dunlo, lord W. Russell, Mr. Leycester, Mr. St. John, Mr. Foster, Mr. H. Lascelles, sir H. Mildmay, Mr. S. Thornton, Mr. J. Fane, lord Boyle, Mr. Cartwright, Mr. Hawkins Brown, Mr. Gunning.—If the list of the committee to be returned by the scrutineers should tally with the names he had read, the fact he had just stated would be too palpable to admit of the smallest doubt; and by that circumstance he should be guided in such steps as he should feel himself bound to adopt under such a circumstance. Many of the names in this list were undoubtedly of high respectability, and highly eligible; but every man must be sensible, that many others of them were men whose situations and known sentiments rendered them totally ineligible to any thing like fair and impartial enquiry upon the subject of the Tenth Report of the Naval Commissioners. If the names of those members should appear upon the list of the committee returned, he should move, however unprecedented such a motion might be deemed, to expunge their names from the committee, and to insert others, not so objectionable, and of course more compatible with the objects contemplated by the house.

Mr. *Fox* observed, it was very possible that the names of some members might be returned upon the committee, who, however unobjectionable, could not, without most material injury to their own interests and avocations, devote their attentions to the business of an investigation, likely to be so arduous and of such long duration. He should hope, therefore, that as in the case of election committees, any gentleman so circumstanced, would, upon application to the house, be excused from attendance.

Mr. *Sheridan* hoped, that after the motion now before the house was disposed of, namely, the question upon the list of scrutineers moved by Mr. Sturges Bourne, his hon. friend (Mr. Whitbread) would, in some more explicit way, put the house in possession of the list of the names he had just read, in order to lay the foundation for such a measure as might appear necessary, in the result to which he had alluded. —The question on Mr. Bourne's motion was put, that certain members, whom he named, be appointed to select from the ballot; which was agreed to without opposition, and the members appointed were ordered forthwith to the speaker's chamber.

Mr. *Sheridan* again rose, and observed, that his hon. friend had just read a list of members, which he (Mr. W.) had been given to understand the scrutineers would return, in consequence of the pre-concerted instructions received from ministers. Now it was extremely important for the house to ascertain whether the committee, for the appointment of which it had already decided, was to be fairly and *bonâ fide* chosen by a ballot; or whether that ballot was to be rendered nugatory, and the committee to be really nominated by government, to the flagrant deception of the house, and the probable defeat of its object. An hon. member, last night, had proposed a mode of selecting the committee, which he was persuaded would have been much more likely to have obtained a fair and impartial selection, than that which was the pleasure of the house to adopt, namely, to propose the members one at a time from each side of the house, and then it would have been fairly seen how far his majesty's ministers were disposed to accede to that principle of impartial investigation, to which some of them had professed themselves so friendly. But he well knew from past experience, that the mode adopted was not the one likely to obtain an impartial selection. There was an important occasion, some years since, which occurred to his recollection. It was a ballot proposed for selecting a committee of East-India judicature; upon which occasion, as well as on many others well known, it was irrefragably and flagrantly obvious, that the ballot for a committee was but a mere mask for the nomination of the minister; and that in fact, the names of the persons to serve had been previously determined by ministers; that the lists of those names were made up at the treasury, and put by ministers into the hands of their friends. Now, if the fact was so in the present case, it was necessary the house should know it; and the comparison of the list, in the hand of his hon. friend, with the return of the scrutineers, would be a pretty strong criterion of the truth. Upon the former occasion, to which he had alluded, the business was done so openly, that one of the door-keepers of the house put the lists into the hands of members as they entered. He (Mr. S.) had charged the fact upon ministers, and pledged himself to prove it to the house, and he accordingly had moved to have Joseph Pearson, the door-keeper, called to the bar and examined. He was however, resisted by the right hon. gent. over the way (Mr. Pitt), and the house divided against it, for the ayes were but 38, and the noes 108. In the present instance, he would recommend to his hon. friend to lay his list on the table, in some manner which would bring it fairly within the cognizance of the house.

Mr. *Whitbread* said, it was his intention to ground some proceeding upon the business, in case the list returned by the scrutineers should correspond with it.

The *Speaker* said, that unless the hon. member meant to conclude by some motion, there was no question now before the house.

Mr. *Whitbread* said he should then shape a motion, and accordingly moved the following resolution:—"That it is a high breach of the privileges of this house, to circulate lists nominating persons to be chosen on any committee by ballot." The question being then put, the house divided, when there appeared, for the motion, 45; against it, 124; majority, 79.

[PROCEEDINGS RESPECTING THE PRINTER OF "THE ORACLE."] On the motion of Mr. Grey the order of the day for the attendance of Peter Stuart, the printer of "the Oracle" was now read.

Mr. *Atkins Wright* spoke against the adoption of any severe measure as to the editor of "the Oracle." Although he was perfectly convinced in his own mind, as to the propriety of supporting tne resolutions of the house, yet his peace of mind was not at all broke in upon because his conduct, along with that of other members, had been severely censured. It was well known with what rigour the house had enforced their determination not to restrain any animadversion by the public on the conduct of parliament. God forbid! said the hon. member, that the people of this country should have any impediments thrown in their way, in discussing the conduct of their representatives fairly and freely. Most certainly, such a liberty ought to be exercised in a becoming manner. It was well known, that the publishers of papers were too apt to indulge themselves in discussing what they called party questions. He professed to be of no party; but he felt as much as any man the necessity of maintaining, in all its purity, what was called the liberty of the press. His own opinion in the present instance was, that the honour and dignity of parliament would be best maintained by passing over in silence such trifling indiscretions. The acting otherwise, would have no other effect than to countenance them. Parliament ought to entertain a firmer reliance on its own rectitude. Such were his sentiments on this occasion, and he hoped, that some other member, better acquainted with the customs of the house, would suggest some mode by which such a dignified and independent conduct might still be rigorously attended to, even in the present case.

Mr. *Grey* said, that if he had conceived this matter to be of light or trivial importance, he should never have made such a complaint. There was no member in the house more unwilling than he was to enter complaints against individuals, or to interfere with the free discussion of public affairs. Had the present paragraph been only a free comment on public matters, as the hon. gentleman who had just spoken seemed to imply, he should not have troubled the house on this occasion. It was not difficult, however, to judge of the true nature and bearing of this matter. He who runs might read in the present instance. It was only yesterday he had seen it, and he still retained the same opinion he then did, as to its mischievous tendency. It could not be viewed at all in the light of a fair discussion of a public question. If it did appear to the house in a contrary light, he was perfectly willing to forbear from all further proceedings. To him, however, it bore a very different aspect and character. It was no discussion, it was mere invective, absolute and unqualified abuse, tending to vilify the proceedings, degrade the character, and insult the authority of parliament. He lamented the necessity he was under of performing such a duty, and he would willingly have overlooked it, had he not been convinced that it outstripped all bounds of moderation in the candid discussion of public affairs. If the hon. member who had endeavoured to justify such a manifest infringement of their privileges, should think proper to move that the order be discharged, he should not think it necessary to press his motion any further.—The question, which had originally been proposed by Mr. Grey, was then put from the chair. "That the printer of 'the Oracle' be called to the bar of the house."

Mr. *Atkins Wright* again rose and conjured the house not to make this a matter of such consequence. He thought a bare reprimand would answer every fair purpose in view.

The *Speaker* suggested, that the original motion should first be disposed of, and then the house could more readily determine what course was to be followed.

Mr. *Windham* said, he was not inclined to press the matter further, if the house really appeared to agree with the arguments and proposition of the hon. gent. who had just sat down. He should wish to know, whether that hon. gent. who had just sat down was disposed to do that, in regard to his own person, which he seemed inclined to do towards the house of commons. Did he (Mr. Wright) mean to say, that he would despise every thing that could be said against him? Really, for his part, he could see no reason why members ought to be more tender of their own characters, as individuals, than they should be of the character of the house of commons. The not being equally attentive the character of the house was saying to the public, "You may say what you please, we do not mind it." If such was the rule, why not proclaim it? Why not say to the writers of newspapers, you may write what you choose, there will be no injury done by your misrepresentations? Was it to be said, that, because the house had passed over a great many instances of a similar nature, we ought on that account to pass over every one? This would be false logic. The freedom of the press had been too long tolerated, not only to the injury of public, but private men—not only to the general degradation of the higher orders of society, but to the general corruption of the lower. The only question was, whether the instance now before the house was one which went to that excess as should lead them to interfere to maintain their own dignity. It was impossible, in his opinion, to conceive any thing more gross, injurious, calumnious, and licentious, and therefore he should be guilty of no great vindictive principle, if he should vote for punishing the offender in a certain degree, as a caution to others.

Mr. *Sheridan.*—Although, sir, no person feels more highly than I do the respect that is due to this house, yet, on this occasion, I certainly do not think that we ought to be too eager in taking notice of this paragraph. My hon. friend has said, that this has overstepped the boundaries of all that licence that the house has ever allowed to discussions upon its proceedings out of doors. Sir, I have read this article, and I must certainly allow that it is a very severe libel. But when I say this, I must at the same time observe, that though in itself it is extremely improper, yet when compared with a vast variety of other articles that have appeared respecting the proceedings of the house, it is by no means so severe. Indeed, in this view, it may be said to be mere milk and water. But then, my hon. friend says, "if we are to allow things of this sort to go on, where are we to stop? Is the house of commons to suffer every sort of censure on its proceedings to pass without any animadversion?" Why, sir, to this I reply, that if the house is about to adopt a new feeling, and to take notice of expressions of this sort, after they have so long slumbered, and allowed these things to pass unheeded, it ought to give warning that it has changed its sentiments, in order that people may be prepared, and that punishment may not fall on a particular individual, where so many are involved in the same sort of delinquency. I do not say that my hon. friend is not perfectly warranted in the mode of proceeding which he has adopted; but it is but fair at the same time to observe, that the house has been long in the habit of tolerating such paragraphs as that of which complaint is now made. We are accustomed to connive at these things. We connive at reporting our debates, and very properly, because I should consider it as a great, if not a mortal blow to the liberties of this country, that the public should be kept in ignorance of the proceedings in parliament. Now, it ought to be recollected, that we use a great deal more freedom with our own characters than we think it just that other men should do. But when people are obliged to report, if they do report well, the severe things which we say of one another in this house, is it not natural that they should fall into an imitation of our style, and speak of us, in some measure, as we do of ourselves? I do therefore think, that in these cases a great allowance ought to be made. I should be extremely sorry that any thing like a prosecution should take place in this instance. My first reason is, that I am a warm friend to the liberty of the press, and the second is, that I very well remember the usual result of such prosecutions.

I recollect, sir, that a certain libel was some time ago published on the house of commons, and I was one of a committee appointed to discover the author of that pamphlet. I certainly had no doubt that it was a libel; however, when it came into a court of law, an hon. friend of mine had the ingenuity to persuade the jury, that it was no reflection whatever on the house of commons. If, therefore, the author of this paragraph makes an ample apology, which I have no doubt he will be ready to do, I cannot think that the matter ought to be carried farther. It will be sufficient to have him reprimanded and discharged.

The *Chancellor of the Exchequer*.—When this motion was first brought forward, I certainly wished that the hon. gent. should pause upon it. Now, however, it does stand in a very different situation from what it did before. However, therefore, I might be disposed to pass over the paragraph which is now the subject of animadversion, I cannot, in consistency with my duty, allow it to be passed slightly over, since it has been taken notice of. At the same time I agree very much in what has been said by an hon. gent. over against me (Mr. Sheridan), that these things should not rashly be taken up,—and yesterday I adverted to this circumstance. If this has been tolerated long, I am certainly of opinion that it is not altogether candid that one individual should be selected for the purpose of punishment. I would only remark, however, that the hon. gent. in his zeal to defend the press, in the present instance, has so far forgot himself, as to undervalue the trial by jury; a thing no less sacred in this constitution than the house of commons. His argument went thus far, that it was needless to commit the matter to a jury, as they would not give a proper verdict in the case. With regard, however, to the question, whether this ought to be sent to a jury or not, the most proper time to consider that will be when the printer has been called in, and his apology heard. We shall hear in the first place what he has to say in his own defence, and then we may consider what will be the just and fair mode of proceeding.

Mr. *Sheridan* said, he could not easily be caught addressing the house in disrespectful language of an English jury. The construction just given to his remark was not correct; in what he had said, he designed to do justice to the talents of his friend, and equally to the perfect purity of intention in the jury he addressed.

Mr. *Canning* said, the conclusion of his right hon. friend was perfectly consistent with the premises.

The *Attorney-General* said, he supposed we might then, have acquitted libellers, though we were not allowed to talk of "acquitted felons."

Mr. *Fox*.—Sir, it has never been my opinion, and I think my conduct has pretty well shewn it, that the liberty of the press should be rashly meddled with. But, however, when a gross breach of privilege is committed, it is not perhaps altogether proper that the offender should escape with impunity. Some allusion has been made to a prosecution by the attorney-general. It does not appear to me that this is the just mode of proceeding on a case of this nature. No court of justice ever, or at least very seldom, adopts the plan of a prosecution in the case of a contempt of court, but almost invariably proceeds by taking the punishment into its own hands. In a libel on the house of commons, therefore, the person who has written it ought more properly to be punished by this house, and it certainly is by no means advisable, that he should be sent to such a mode of trial as has been alluded to, without strong grounds for so doing. But let me not, at the same time, be misunderstood. I am by no means disposed to favour the disposition to turn matters into contempt of court, which are in fact crimes of entirely a different nature. In this instance, however, it is clear that the offence resembles that of a contempt of court, and as such it ought to be punished by this house, and by no other. I have certainly not often thought it fit to prosecute individuals. But at the same time I must say, that the gentlemen on the other side have not been remarkable for their forbearance in any case where government has been concerned. I do not, therefore, see why the house of commons should be the only part of the constitutional body that is to be libelled with impunity. I widely differ from my hon. friend, when he says that such a paragraph as this appears almost every day. Undoubtedly I am not in the habit of reading the newspapers so much as he does, but I certainly have scarcely ever seen any thing like this. I defy any gentleman to shew me any such paragraph. There are, indeed, often attacks on individuals, that, strictly speaking, are wholly unjustifiable, but I say, that if such an imputation as this had been thrown on any of the proceedings of the house of commons, when the majority was in favour of administration, it would not be tolerated. No one would dare to do such a thing. I certainly do think this, therefore, an extraordinary case; but at the same time, on the general principle, that the freedom of discussion, either in or out of doors, should not be discouraged, I am free to confess, that I am not of opinion that the punishment ought to be severe.

Mr. *William Smith*.—Nothing, sir, in my opinion, can be more serious than a libel directed against an individual. It very often does him incalculable injury, because it goes into a thousand places where it is absolutely impossible for him to follow it. But, sir, I really think that a libel on the house of commons stands upon very different grounds; paragraphs of this sort, when they are not in unison with the public feeling, are of little importance. This libel, sir, is certainly out of all unison with the public feeling, and therefore, in my opinion, it is perfectly harmless. This is certainly not the case when a libel is published on the conduct of a member of the house, and this, therefore, ought to be a more serious consideration. We ought to be more careful of protecting individuals from such attacks, because when the house, in a collective sense, acts with the public, all libels on their conduct can be attended with no mischievous effects, even though they should be more gross, if any thing can be more gross, than the libel in question. I do not, therefore, think, that it was material to notice it; but whether any proceedings should be had upon it, after it has been noticed, is another question entirely. I am rather disposed to agree with the right hon. gent. on the other side, that something should certainly be done by way of marking the displeasure of the house. But I must advert to one thing. We are here accused of haste, intemperance, &c. Now, sir, how did we proceed? You gave the vote that decided the matter, and therefore this is more particularly a libel upon you—you whom we all respect, and whom certainly it becomes us all to protect from any improper imputations. This case, therefore, does undoubtedly differ from any other very materially. Can it be supposed, sir, that you were actuated by intemperance, or gave your vote in haste, after you had listened to the arguments on both sides? Certainly this cannot be said. This may be a reason for taking notice of the libel, but at the same time it must be confessed, it is an additional proof that it could be attended with no harm whatever.

Dr. *Laurence* differed from the hon. gent. who had just sat down, on the nature and effects of a libel. The hon. gent. said, that when a libel was not in unison with the feelings of the public, it ought to be disregarded. By parity of reasoning, it followed, that when a libel was in unison with the public feeling, it ought to be taken notice of. There was something in this that distinguished it from other libels. The house sat rather in a judicial capacity. This was no political question, and therefore the libel was the more intolerable. The house had on this occasion done every thing with coolness, and no passion or party feeling was concerned. He entered his protest against the distinction that had been made by the hon. gent. for if this was to be allowed, a door would be opened to the most scandalous attacks on the house of commons, when it was found that they might be circulated with impunity.

The question being loudly called for, and the house having determined "that the Printer be called in," Mr. Peter Stuart appeared at the bar.

The *Speaker*.—Q. What is your name? A. Peter Stuart.—Q. Look at that paper: is it printed and published by you? A. It is.

The *Speaker*.—That paper has been complained of to the house as containing libellous reflections on its conduct and character. What have you to say in answer to the charge?

A. "Permit me, sir, to assure you, that "I very much regret that any part of the "contents of my paper of yesterday should "have incurred the displeasure of this honourable house. If, sir, I have expressed "myself too warmly in favour of lord Melville—for whom I shall always entertain "the highest respect and esteem—I beg "that this honourable house will view it as "the unguarded language of the heart, and "not a wilful intention to provoke the "censure of a power on which our dearest "rights and liberties depend. I intreat "you, sir, that some allowance may be "made for that freedom of discussion of "public affairs, which for a long series of "years has been sanctioned by common "usage; and that the hasty composition "of a newspaper may not be considered

" as a deliberate design to offend this honourable house."—Mr. Peter Stuart having concluded, he was desired by the Speaker to withdraw.

Mr. *Grey* then rose.—Sir, it is now my duty to submit a resolution to the house on this business. This I shall do without premising it with any observations. Of the sort of apology that has been made, if apology it can be called, I leave the house to judge, and I shall be perfectly satisfied with their decision, whatever it may be. I wish, however, to make one observation with regard to the charge that has been thrown out against me by a gentleman on the other side, of having been too hasty in bringing forward this business. Sir, I brought it forward as soon as the offence came before the public, and as soon as it was generally known, and this I thought to be the most proper period. Having said this, sir, I shall only move " That Peter Stuart, in publishing the said paper, has been guilty of a high breach of the privileges of this house."

The *Attorney-General.*—I do not mean to object to the motion that has just been made. But with regard to the observation to which the hon. gent. alluded, as coming from a person on this side of the house, I rather think the hon. gent. spoke of something that fell from me on a former night. I believe the hon. gent. wishes now that he had attended to what I suggested on that occasion. I stated, that I had no doubt that this came under the description of a libel, and I think so still; but I also said, that it did not appear to me that the house ought to interfere in the business. This is still my opinion. Many things come before me which I cannot hesitate to pronounce libels; but from the circumstances that attend such cases, I should not advise that any notice should be taken of them. And I must say, that the eagerness with which the hon. gent. and his friends have taken up this paragraph savours much more of the irritability of soreness than of any soundness of character on their part. An hon. gent. over the way said, that he had great difficulty in finding any other libel similar to the present one. Sir, libels do not make such lasting or strong impressions in other cases as they do when they are directed against ourselves. This may have been the case at present. I recollect, sir, when public prints made that hon. gent. state, at clubs and meetings, that the house of commons was so lost to every thing that was just and proper that there was no use whatever in attending in it, and that it afforded no protection whatever to the people of this country; and I remember too, that the hon. gent. was absent from his duty in the house at the time. Yet, sir, I do not say that the hon. gent. absolutely held this language; but I do say, that the prints made him say so, and adopted that mode of conveying their sentiments with more weight. But after all this, sir, there was no interference on the part of the house. I only mention this, sir, to shew, that those things which make for us do not make altogether so strong an impression as those things that make against us. With regard to the motion itself, I certainly have no objection to it.

Mr. *Fox.*—The hon. and learned gent. has, I suppose, alluded to me in what he has just said. He has stated that a certain print published observations purporting to come from me. When he produces the paper to me, I may perhaps recollect what I said, so far as to give him information whether the observations came from me, and how far they were accurate. I am not ashamed of what I said, and, if the hon. gent. wishes for information on the subject, he has only to produce the paper containing the remarks to which he has adverted. That a man may say that it is of no use that he should attend the house, because he can do no service in it, without being guilty of a libel, I should think incontrovertible. I did say so, and that was my opinion most certainly. If he thought this a libel like the paper now before us, if he had shewn me the print in question at that time, I could have told him how far it was accurate. It may not, perhaps, be such an easy matter now; but, however, even at this distance of time, I have no objection to give him every information in my power; and I believe I can still, from recollection, satisfy him on this subject. But, sir, I must confess I do not see the justice or the candour of withholding all allusion to the affair at the time when it happened, and bringing it forward as an *argumentum ad hominem*, when such a libel as this is before the house. I certainly do think this a more serious libel than many others, and confess that it has made a stronger impression on me for exactly the reason that has been stated, of its not being in favour of my own side of the question; not however, because I am myself individually concerned, but because I think that libels are much more serious when they are most agreeable to the executive power; for, in that case, there are strong suspicions that they may possibly come from those who receive the pay of the goverment.

Mr. *Atkins Wright* defended the sentiments which he had formerly expressed, but spoke so low, that we could not follow him in the particulars.—The motion was then put, and carried without a division. Mr. Atkins Wright then moved, "that Mr. P. Stuart be called to the bar, reprimanded, and discharged."

Mr. *Grey* observed, that if it was the general sense of the house that a libel of this nature should be passed over in this manner, he had no objection to the motion. He was of opinion, however, that when the house interfered, its sentence ought to be something heavy. The paragraph in question had been voted a high breach of privilege by the house, and the author ought therefore to meet with some marks of the displeasure of the house. However, he should be sorry to urge any greater severity than the house thought necessary; and he would therefore be perfectly satisfied with whatever the house judged proper. If, then, the house, after hearing the apology that had been made, if it was an apology, should think it proper to agree to the motion, he had no objection.

The *Chancellor of the Exchequer* was sorry, that in this instance he should be compelled to propose a greater degree of severity than what had been mentioned; but he felt that he should not have done his duty to the house, if he allowed the matter to rest here. However much therefore he might be disposed to lenity, as far as the individual was concerned, yet he could not forget what was due to the dignity of the house. After having once resolved that a person had been guilty of a high breach of privilege, he could not, in consistency with the dignity of the house be instantly discharged. He thought therefore, that in the first instance, the author of the paragraph should be committed, and then, if he made a proper submission, as he had no doubt he would, he should consent to discharge him at the earliest possible period. He then moved, "that the said Peter Stuart be for his said offence taken into the custody of the serjeant at arms." The motion was agreed to, and Mr. P. Stuart was immediately taken into the custody of the serjeant at arms.

[PAPERS RELATING TO THE SALE OF CORN AND FLOUR BY MR. CLAUDE SCOTT.] Mr. Serjeant *Best* rose, pursuant to notice, to call the attention of the house to a transaction, which, if the circumstances were as had been stated to him, deserved the serious attention of the house. In 1795, government had thought proper to give orders to seize neutral vessels going to France with provisions. These vessels and the cargoes had been consigned, after a part of the provisions had been taken for the use of government, with the remaining cargoes to Mr. Claude Scott, to be disposed of for the public account. He was informed that the produce of the sale, amounting to two hundred thousand pounds, had been suffered to remain in the hands of Mr. Scott, down to the year 1800. During this period, Mr. Scott had frequently supplied government with corn to a large amount, which there was reason to suppose he had bought with the public money, and for which he was paid in treasury bills, bearing interest, so that he not only derived mercantile profit from the public money, but also interest from the mode of payment. If these things were true, they were highly culpable: the person who had given him the information pledged himself to make good the fact at the bar; yet he hoped sincerely the hon. gent. could do away the charge. He concluded with moving for a variety of accounts relating to the sale of the vessels and cargoes, the payments made to the lords of the treasury, and the several contracts between Mr. Scott and government for meal and flour, &c.

Mr. *Claude Scott* stated, that the money was much more than 200,000*l*, which was one proof that the hon. gent. was extremely misinformed on the subject. The produce of the sale had been paid by him to the bank, and remained therefore unemployed. He offered to give it to government, but was told by Mr. Rose, that it was not settled to what particular account it was to go, but that as soon as this was settled he would be informed of it. The money for some months lay in the bank, and then upon an order from the treasury, he paid it over to the treasurer of the navy, and this was the whole of the matter.

Mr. *Rose* said, he did not believe that the hon. member, whose conduct was the object of the motion, had employed the public money for any length of time whatever. He was glad the subject had been brought forward, because it would afford that hon. member an opportunity of making the whole case clear and public.

The *Chancellor of the Exchequer* said he was desirous the papers moved for by the hon. and learned gent. should be laid before the house, but he could not help remarking the manner in which this motion was made. The hon. and learned gent. gave notice last night he should make this motion, by stating that it was applicable to the connection between government and Mr. Claude Scott, but he might have given an intimation of the ground of his motion, that those who wished to take a share in the discussion might be acquainted with the nature of the transaction, as it was intended to be brought forward; but here was a matter of ten years standing brought forward without any such intimation, when gentlemen might not have the subject fresh in their memory. He was glad to observe, however, that what had been hinted at by the hon. mover, as to the cause of his motion, was likely to turn out to be totally unfounded.

Mr. *Fox* thought the conduct of his hon. and learned friend in not giving a more descriptive notice perfectly correct, and such as he would have observed himself in a similar situation, for had he made a speech on giving his notice of the motion, it would have been irregular in any other member to answer that speech, however desirable it might be by such member that the speech should be answered. This complaint, therefore, of a want of a further intimation of the hon. mover, was properly a complaint that he had not been irregular.

The *Chancellor of the Exchequer* said, he did not wish that a speech might precede the notice, but the general grounds of it would have been so far from being irregular that it would have only been conformable to custom in cases of this nature.

Mr. *Grey* maintained, that ample information of the nature of this motion had been detailed in the notice, as entered in the order book, which he read.

The *Chancellor of the Exchequer* said, he had not seen the book, which appeared to contain sufficient notice.

Mr. Serjeant *Best* justified himself as to the distinctness with which he gave notice of this motion, as also for the motive with which he brought the subject forward; it was to lay the foundation of an Enquiry. He did this on a statement which was made to him; which statement, if correct, demanded of him this conduct as a member of that house; if the statement was incorrect, he was imposed upon, and improperly made the instrument of bringing forward an unnecessary enquiry, in which event he should be among the foremost to bring his informant before the house, for the purpose of receiving its censure; for those who gave misinformation to members on such occasions, deserved censure. He understood the right hon. gent. (Mr. Rose) to say, that the hon. member (Mr. Scott) had not employed the public money for one moment. He was glad to hear it, and if so, he must have been greatly misinformed.

Mr. *Rose* said, he never was so absurd as to have said the hon. member never employed the public money in his hands for a moment, for it would have been a thing impossible for any man connected with government in a contract to have that said of him; all he said was, that he had not kept the public money for any considerable time.

Mr. Serjeant *Best* said, a month.

Mr. *Rose* said he believed not a month, or any thing like a month; but he spoke only from the best recollection he had on a subject which was ten years old; the impression of that recollection was, that the conduct of the hon. member (Mr. Scott) was perfectly correct and honourable. He knew very little more of that hon. member, beyond that contract with government, than the hon. and learned gent. did.—The question was then put and carried, "that there be laid before the house an account of such sales, delivered by Claude Scott, esq. to government, and an account when the produce of such sales were paid to government; also, that there be laid before the house a copy of an account of corn and flour, sold by the said C. Scott, esq. to government, between the year 1795, and 1800, and all monies paid by him on account of such sales; which were all ordered."

[Irish Loan.] The house having resolved itself into a committee of ways and means,

Mr. *Foster* said, he should only intrude upon the attention of the committee for a few minutes. It would be recollected, that early in the present session he had stated, that a loan of 1,000,000l. would be proposed to be contracted for in Ireland for the service of that country; he had also stated, that there was a sum of 800,000l.

due upon treasury bills, respecting which he expressed a wish to reserve all discussion till a future day. He had now to state to the committee, that he had proposed to raise a loan of 1,800,000l. in Ireland. Offers had been made there, which were not accepted: offers were then made in this country for the loan, which he had felt it his duty to accept; and it was the contract so made, that he had now the honour to submit to the committee. The terms of the loan were,

	£	s.	d.
100l. Long annuities	5	0	0
24l. in the 5 per cents.	1	4	0

making together 6l. 4s. the annual charge for the loan; but in addition to this there was 4s. 10d. for the sinking fund on the 5 per cents. and 8s. 4d. on the long annuities, making altogether a sum of 6l. 17s. 2d. per cent. He trusted the committee would not consider the terms of the loan as disadvantageous to the public, when it was stated, that for the loan of two millions and a half, which was raised in the early part of the session for Ireland, the annual charge amounted to 6l. 17s. 7d. The latter loan was not only made upon terms more favourable to the public, but it had this further advantage, that a great part of it was in annuities, whereas the other created a permanent debt. He would now, with the permission of the committee, say a few words upon the reports which were circulated respecting the rejection of the offers made in Ireland for this loan. The offers made by the persons who wished to contract for the loan in Ireland were as follows:

	Annual charge to the nation.		
100, 3½ per cent. stock ..	£3	10	0
48, 5 per cent. ditto	2	8	0
148, Sinking Fund, 1 per cent.	1	9	7
	7	7	7

He had already stated, that the annual charge on the present loan was 6l. 17s. 2d. so that there was an actual saving of 10s. 5d. per cent. The difference also on the capital of the debt created would be immense. If the offers made in Ireland had been accepted, the subscribers would have had a bonus of no less than 13 per cent. and therefore it was not surprising, that where the advantage to them was so great, they wished to have their offer considered as a contract. He would now explain to the house the whole of the transaction, as far as related to the offers made in Ireland. The first offer made there was for 49, 5 per cents.; this being represented as unreasonably high, it was reduced to 48½, and on further representation, to 48. This offer had been received by the lords of the treasury in Ireland, subject to his approbation. He would shew by the letter of the bidders themselves, that they did not consider any engagement made with them. The letter stated, that they would abide by their offer, if they were indemnified for any depression that may take place in the stocks here before the return of the express with his answer. This offer was made in Dublin on Monday the 16th. The letter of Messrs. Bogle, French, Burrows, and Canning, was answered by him by an express, which arrived in Dublin on the Sunday following, stating, that their offer could not be accepted. There was not in their letter, nor in any one of the papers, one word that went to shew he was bound. The bidders merely said, they would abide by their offer if indemnified against possible depression. Now they complained, and said they had a right, merely because they were not allowed the 13 per cent. bonus they had carved out for themselves. He trusted this explanation would set his conduct in a fair light.

Sir *J. Newport* expressed himself extremely happy to hear the right hon. gent. give so truly satisfactory an account of this transaction. He had heard of the rumours that had been alluded to, but could not believe them, and it gave him the greatest pleasure to hear them so completely done away. He highly approved the loan having been made in England in preference to Ireland, because it could not fail to be eventually truly advantageous to that part of the empire. In a poor country like Ireland the great object should always be to bring capital into it. Here would, therefore, be nearly 2 millions of capital sent thither, and that Irish capital, which, if taken as a loan, would be locked up for that purpose, might now be much more beneficially employed by being vested in trade, in the promoting and encouraging manufactures, in the improvement of agriculture, and in many other modes which that part of the kingdom is deficient in at present, and to render which most flourishing and prosperous, capital is only wanted. He allowed, there were some things attending this mode of raising money by loans, which he did not altogether approve, such as being connected with a sinking fund, and other inconveniences; but it was but fair and right to consider every matter of this kind in all its bearings, and to put up with the bitters, for the sake of enjoying the sweets. Upon the whole, he thought the right hon. gent. had conducted the business in a manner highly creditable to himself, and very advantageously to the country, and it was with infinite satisfaction he gave his approbation to it. The resolutions were then read and agreed to; the house resumed, and the report ordered to be received on Monday.—Adjourned.

HOUSE OF LORDS.

Monday, April 29.

[MINUTES.] The earl of Oxford was sworn and took his seat.—Counsel were further heard relative to the Scotch Appeal, Cathcart, bart. *v.* the earl of Cassilis, viz. Mr. H. Erskine in continuation on the part of the respondent.—The bills upon the table were respectively forwarded.

[UNIVERSITIES ADVOWSON BILL.] The order of the day being read for their lordships going into a committee on this bill,

Lord *Sidmouth* rose for the purpose of opposing the proceeding. It was with pain he differed, and on topics of such peculiar importance as those involved in the measure in question, from the reverend and learned prelate who brought forward the bill. It was said, it would be a boon to the universities. No person could possibly have a greater respect for these very useful, learned, and respectable bodies, than himself; yet he conceived that the bill before the house would operate rather as a boon to individuals belonging to those corporations, than to the institutions themselves. Great stress was laid upon the inconveniences produced by the restrictions which the bill was intended to remove, but he believed no proof whatever was brought forward of any practical inconvenience having taken place. The restriction had continued for more than half a century. It was enacted at the instance of that profound lawyer and venerable magistrate, lord Hardwicke, who, no doubt, had thoroughly considered the subject before he proposed the restraining clause. In the former debate on the subject, it was also said, the succession to the livings was at present too slow for the beneficial purposes of the institution; but of this no proof was brought forward, and, as the case stood, he was entitled to contend, were the restriction removed, the succession would be too rapid. He was perfectly aware of the importance of the subject to which these conderations referred, and no one could be more willing to promote the comforts and the interests of those persons affected by the bill, as far as the same could be done without trenching on those principles, and on that system, upon which the institutions were hitherto introduced. The important consideration of a due connection between the properties of the laity and the ecclesiastical establishments of the country, made also a part of the present subject. How far giving an unlimited power to the universities to acquire advowsons, would operate with respect to that consideration, was matter for serious discussion. He repeated, no practical inconvenience had hitherto been proved to exist. He was against conferring an unlimited power on the universities, though, under what had been stated, he had no objection to open the door wider, and to extend the proportion of the number of livings from one half to three-fourths of the number of fellows in the respective colleges. Nor did he object to other regulations being made, upon the same principle, such as augmenting the value of the present livings, &c.; but he was hostile to all innovations, which did not proveably proceed upon sure and certain grounds. A more liberal provision made for those meritorious persons, could, he thought, be obtained without having recourse to a sweeping repeal of all limitation whatever. Adverting to the present state of church livings in general, and the duties of parochial ministers, his lordship thought the augmentation of the value of small livings would be highly beneficial, as well as the erection of more churches in the populous parts of the country, and in great towns, in many parts of the metropolis, in particular. With respect to the subject of the bill in question, he contended their lordships had by no means sufficient information to proceed upon. He saw no immediate necessity for proceeding with the measure. Time, certainly, should be given for further enquiry. If, however, it should be the general sense of the house, that the bill shall speedily be committed, he hoped what he had suggested, in the way of detailed regulation, would be seriously considered by their lordships; such as, that the extent of the increased proportion of livings should not be suffered to exceed three-fourths, and the smaller livings augmented. Under his present views of the question, what he should propose was, that the bill should be postponed until next session, for the purposes he had mentioned. He would, therefore, propose to amend the question regularly before the house, by omitting the word "now," and inserting "this day 3 months."—On the question being put,

The Bishop of *Oxford* rose, and argued generally in support of the measure. He contended that the proportion in which the restraint stood, by the existing law, was fallacious in the extreme. The knowledge which their lordships had of the subject was sufficient for them to proceed upon. There was nothing in the bill, to interfere with the augmentation of the value of the smaller livings; the erection of churches, or a more suitable pension for the officiating clergy. With respect to the idea, that no practical inconvenience had hitherto resulted from the restraint; there was no necessity of direct proof of it before the house; it was every day, and injuriously felt. An appeal to the colleges would soon convince on that head, particularly that of which the noble and learned lord was a member; abundant proofs of that could be found. He must, therefore, deprecate any further postponement of the discussion.

The Archbishop of *Canterbury* observed, that he conceived the principal objections of the noble viscount to the bill, to be, first, an apprehension, that, were the existing restraint removed, the succession to the university livings would be too rapid; and, secondly, that it would tend to deprive the laity of too great a degree of that portion of patronage, which he conceived to be at present so beneficially vested in them. With respect to the first objection, his grace observed, he conceived the state of the funds of the universities would operate as a sufficient check to any thing which might be feared, if too rapid. With respect to the present state of the patronage of ecclesiastical livings, he should be extremely sorry to see it taken away from numbers of those who at present enjoyed it, and who so beneficially dispensed it, particularly members of that noble house. But there was another description of patronage, which, they must all feel, had a very different tendency. He alluded to that, which was afloat in the market, and every day bought and sold under circumstances injurious to the establishment of the church, the interests of religion, and, he believed, against the laws of the realm; the patronage of such persons might easily be placed in better hands, and in none more advantageously than those of the universities. He had not the least apprehension on the score of too rapid a succession. And, convinced as he felt of the beneficial tendency of the measure, he should support the original motion.

Lord *Auckland*, though he professed himself not unfriendly to the bill, yet was of opinion that their lordships had not sufficient information to go upon: a practical inconvenience was a matter capable of proof; let that be brought forward, and the amount and respective value of the livings in the hands of the different colleges should also be known. The funds of the universities may also be matter of proper consideration, for it was important to know how far they had the means of providing, which they themselves held forth as a remedy for the alleged grievance: there was no evidence whatever on these heads before the house.

The Bishop of *Oxford* shortly observed, he was in possession of some detailed information on those heads, did noble lords deem it necessary.

Lord *Auckland* resumed. He contended for the propriety of having an account of the number and value of livings in the gift of the different colleges, as some of those it might be desirable to augment. The state of their respective funds should also be known. One general rule could not properly be laid down for the whole. The means of some colleges for providing for its members may be more than sufficient; of others, they may be inadequate. It was a subject on which they should not proceed to legislate blindly. It may, however, be desirable to go into a committee on the bill, as that detailed mode of discussion may at least give them an idea of the precise nature of the necessary information.

Lord *Grenville* in some degree agreed with the noble lord who spoke last, in deeming that the house was not possessed of sufficient information: he thought it, however, better to proceed with the bill, and endeavour to get the necessary information, than to postpone the measure to an indefinite period, without the least certainty of procuring the necessary information. It would be preferable to go into the committee, to ascertain the precise nature of the information wanted, and adopt measures to obtain it. The measure before the house was, he contended, brought forward on adequate parliamentary grounds. The real merits of the bill, as it then stood, resolved into this question, did there now exist sufficient grounds for continuing the restriction? With respect to the apprehension of a rapid succession, he thought those persons who so worthily presided in the different colleges would take care to prevent that; but he was inclined, upon the whole, to credit the assertion that the present succession to the college livings was too slow, and in considering this part of the subject, the peculiarly strong claims of those who were to be ameliorated by the bill, should be attended to. The question under consideration was not of figures or of numerical calculation, but of reasoning, feeling, and presumption. With respect to that salutary and beneficial connection which subsisted between the property of the laity, and the religious establishments of the country, did he perceive the least tendency in the bill to militate against the measure; but with a most reverend prelate, he thought it would have a contrary tendency. He had no fears on that head, for even did too great an accumulation of advowsons, or too rapid a succession ensue, the legislature might hereafter interpose and check it, as it had already done. Many of the arguments of a noble viscount, he contended, operated for, instead of against going into a committee. The restriction, at present, he argued, operated unjustly, it referred merely to the number of the advowsons, without in the least considering their respective value. This part of an amelioration of the present system could but be considered in a committee, in favour of which proceeding, every thing advanced in argument, that night, decidedly tended.

Lord *Sidmouth* explained, that what he had said was, that there was no proof brought forward of the succession being too slow.

Lord *Auckland* contended that where a grievance was alleged, it should be established in proof; the case in the present instance was one of evidence and fact, an adequate proof ought to be given.

The Bishop of *London* argued in favour of the measure, and urged the consideration of such a bill as the present in a committee, as particularly necessary. Adverting to the general state of parochial establishments; he lamented there were so few parish churches in the western parts of the metropolis. Most of the chapels of ease were private property, and afforded no accommodation for the lower orders of the people, and what was the consequence? these persons either went to no church at all, or were constrained to frequent places of worship different from those of the established religion. He trusted these matters would be seriously considered by the legislature, and taken up at some future period, and also the consideration of the number of small and inadequate livings, and the impracticability of clerical residence in many of these.

The Bishop of *St. Asaph* contended, that every thing that was advanced, were reasons for going into a committee on the bill; they were in possession of adequate information, in order to proceed with the bill; and the legislature, when it originally laid on the restriction, was not informed, as his noble friend opposite contended the house should have been, or the proportion of the numbers allotted would be very different; he had no fears of too rapid a succession ever taking place; the colleges had not the means of affording an opportunity for that; but, he observed, that the patronage of the universities was always honourably and beneficially exercised.

The *Lord Chancellor* agreed with a noble baron (Grenville), that the question before them was rather one of general reasoning, than proceeding upon particular information. The original restriction did not appear founded on the state of the respective colleges, or the proportion would be very different. In advancing this, he meant not the slightest reflection on the name of that great and venerable character who proposed it, whose name would be remembered as long as the law of England continued to be known. That his position was well founded, would clearly appear on comparing the allotted number of livings, viz. one half of that of the fellows of colleges in the universities, with the actual number of persons in each college capable of being so beneficed. Some of these (referring, for example, to that which he had the honour to belong) had the entire number of their fellows ecclesiastics, whereas others had not half their number clerical men. How, therefore, could the allotted proportion of one moiety apply equally or justly to both? He agreed with the observations of the rev. prelates, on the scandalous traffic for church preferments, the extent and tendency of which did not seem to have been fully perceived by the illustrious author of the restriction, and which the noble and learned lord strongly reprobated as of the most pernicious tendency. He had no fears of too rapid a succession, or that through the operation of the bill, the patronage of the laity would be improperly trenched upon.

Lord *Ellenborough* observed, as the general sense of their lordships appeared to be for going into a committee, he should detain them very shortly. He was of opinion that it would be expedient to set some limitation to the acquisition of advowsons in such cases as the present. The house should consider that the corporations in question were as trustees who purchased for their own benefit; that they were not only donors but donees; there obviously therefore existed reasons for some restraint, which did not exist in other corporations. He must join with the noble lords and reverend prelates who reprobated that scandalous traffic in church preferments so forcibly alluded to. He was fully aware how greatly preferable it would be to see such patronage vested in the universities; but even with reference to purchases, even from these quarters, he conceived, considering the possibility of abuse, that some degree of restraint would even then be necessary. They should endeavour to find some certain ratio for apportioning the number of livings to that of the fellows of the respective colleges, or rather of those who are capable of being beneficed, and therefore some words should be introduced to express that provision in the bill, as "such persons as are elected, or are capable of being elected."

The Bishop of *Oxford* in reply, observed, that no fears need be entertained of too great an accumulation of patronage on the part of the universities, even were that likely to take place, as parliament would always have it in their power to check the vicious excess; nay, to check the evil in the bud. He entered into some calculations as to the number of livings vested in different bodies. Of these, we understood the reverend prelate to say, that a less number than 700 were at the disposal of the universities, and many of these of small value, out of an aggregate of upwards of ten thousand livings.

The Duke of *Norfolk* said, that if the bill were agreed to by the committee, without some limitation or degree of restraint introduced, he would certainly oppose it in some future stage. He conceived that the same reasons continued to operate which induced the legislature, in its wisdom, in the year 1736, to provide the restraint in question.—The house then, after negativing the proposition of lord Sidmouth, resolved into a committee on the bill, and lord Walsingham having taken the chair, the preamble was postponed, and the enacting clause entered into *pro formâ*. It being settled between their lordships across the table that progress should be reported, and leave asked to sit again; which being done, the committee was directed to sit again on Wednesday.—Adjourned.

HOUSE OF COMMONS.

Monday, April 29.

[Minutes.] Mr. Calcraft presented a petition from upwards of 1000 inhabitants of the parish of St. Pancras against the bill for the erection of a workhouse, and some parochial regulations in that place. Ordered to lie on the table.—Mr. Williams, from the commissioners of naval enquiry, presented at the bar the correspondence with the treasurer of the navy, which was ordered on a preceding day. The papers were ordered to be laid on the table, and on the motion of sir R. Buxton, it was ordered that they should be printed.—Mr. Johnstone, from the office of the chief secretary of Ireland, presented copies of the contracts which had been entered into for the purchase of houses or ground for the scite of the Roman catholic seminary. Ordered to be laid on the table.—Mr. Parnell presented statements of the public expenditure in the Irish chancellor of the exchequer's office, which were also ordered to be laid on the table.—Mr. H. Thornton gave notice that, in consequence of the resignation of sir Francis Burdett, he would, to-morrow, move that the petition against Mr. Mainwaring be discharged.—Mr. Creevy rose for the purpose of putting a question to his majesty's ministers. Three weeks shall have elapsed to-morrow since the resignation of lord Melville, and yet no successor had been appointed. He wished to know who was to succeed to that important office, as under all the circumstances of the country, and considering the forward state of the enemy's fleets, it was extremely desirable that a person should be appointed, adequate to the urgency of the times, and arduous duties of that high office.—The chancellor of the exchequer had no difficulty in answering the hon. gentleman's question: the appointment had taken place, and would be mentioned in the Gazette of to-morrow; and the successor to that noble lord was one who fully answered the description of the hon. gent. and would be satisfactory to the wishes of the nation. (After having sat down, the right hon. gent. mentioned the name of sir Charles Middleton.)

[PAPERS RELATING TO THE ELEVENTH NAVAL REPORT.] Sir *A. S. Hamond* rose to give notice that he should move, to-morrow, for further papers respecting the Eleventh Report of the Commissioners of Naval Enquiry.

Mr. *Grey* rose to take notice, that the hon. comptroller of the navy had, on a day last week, given notice of a motion connected with the Eleventh Report of the Commissioners of Naval Enquiry. He wished to know what object the hon. baronet had in view, in requiring additional papers on the subject of that report. The hon. baronet had given a notice of a similar nature on a former night without stating his object, and on the next day he had come down to the house before the usual hour, and had moved for a letter from himself to the Commissioners of Naval Enquiry, together with certain inclosures. It was impossible to know what the hon. baronet proposed to himself by the production of such documents. What had the house to do with his letter to the commissioners? If he had any observations or comment to make upon it, as a member of parliament, it was open to him to avail himself of an opportunity of doing so. The proceeding was altogether so extraordinary and irregular, that he (Mr. Grey) was of opinion that the former notice and motion should be expunged, and that the hon. baronet should distinctly state what his object was.

Sir *A. S. Hamond* said, that upon the occasion alluded to, he had taken no advantage of the house. It was near five o'clock when he made his motion, and he had given full notice of the purpose for which he made it. He had stated that the documents were respecting the evidence given on the eleventh report before the naval commissioners. The house was then as full as it was at present, and he was not aware of having been informal or out of order.

Mr. *Tierney* observed, that on the day of the hon. baronet's motion, it was understood that a ballot for a select committee was to take place at four o'clock. He came down anxious to know the nature of the motion, as all he understood was, that the notice referred to some papers relative to the eleventh report; in fact, that it was a general notice. He thought the hon. baronet should have stated what his object was.

The *Speaker* remarked, that there was no question before the house on which it could come to any ultimate decision.

Mr. *Tierney* said, the hon. baronet ought to apprize the house of the object of the motion he intended to bring forward. He supposed the documents he meant to move for, were intended as the medium of attacking a noble lord. If so, it was necessary that every thing connected with the immediate object of the motion should be before the house.

Sir *A. S. Hamond* appealed to the house, that in their recollection, an hon. member opposite (Mr. Kinnaird) had brought forward a similar motion, under similar circumstances. On that hon. member's motion, papers of a nature parallel to those he had moved for, were ordered, and not a single objection was started.

Mr. *Grey* professed his ignorance of the circumstance to which the hon. baronet alluded. As far as his own recollection extended, the motion of his hon. friend was not brought forward without a specific notice. Every member, indeed, knew to what end it was directed. Here, on the contrary, it was perfectly understood that no business of a public nature was to be done till after the ballot was formed, the hon. baronet introduced his motion in the absence of all those who might be supposed most anxious to defend the character of the noble lord, against any attack which might be brought against his public conduct. He himself had remained to a late hour in expectation of the motion being brought forward, and he was at last astonished to find, that the hon. baronet had brought forward the motion at a time when not one of the noble lord's friends were at all apprized of his intentions. They knew nothing at all of the nature of the papers to be moved for. They were obliged to be satisfied with the simple explanation, that they were papers connected with the Eleventh Report of the Naval Commissioners. In fairness to the character of his noble friend, some opportunity should have been given to move for the production of other papers, by which these allegations might have been disproved. All the information, however, which it was judged necessary by the hon. baronet to convey to the house, was, that it was a collection of documents relative to the eleventh report. This, surely, was nothing short of sporting with the dignity of the house, as well as the character of his noble friend. Fortunate, indeed it was, that his character was far above all suspicion, so that even the partial production of these papers could not injure him in the estimation of the public. To move for papers, and not to explain to what object they were to be applied, was, he would ever contend, equally inexpedient and objectionable. A right hon. gent. opposite (Mr. Pitt) had attacked an hon. and learned friend of his for not bringing forward his motion on a former evening, on a sufficiently explicit notice—which on enquiry turned out not to be the fact. It was ascertained that the notice of his hon. and learned friend was sufficiently explicit; but surely no one member could now come forward and say that the motion of the hon. baronet had been intimated in terms at all so specific. The house besides had here to consider what was demanded. It was not a motion for the production of documents to establish the innocence of the hon. baronet, which would without difficulty be acceded to. It was a motion for the production of a letter containing comments on the report of the commissioners. If the hon. baronet thought these comments necessary, he, as a member of the house, had an opportunity of stating them in his place. It was not consistent with the dignity of parliament to receive them in any other form. It was one of the first instances of letters of individuals being thus attempted to be placed before parliament, and he trusted the practice would be effectually checked. The house, it appeared to him, were called on to expunge the motion for the production of the papers in question.

The *Chancellor of the Exchequer* said, it was his earnest wish that the hon. gent. (Mr. Grey) would give effect to his threat, and move to expunge the notice, if he thought it was wrong; but surely he ought first to recollect what it was. It was for a copy of the evidence of the comptroller of the navy before the commissioners relative to the eleventh report. Now, when it was known that the eleventh report contained comments on the conduct of the person who had made the motion, was it ust that he should be shut out from moving for such papers as were necessary to his vindication? He believed it would turn out that the document which had been moved for was one which the hon. bart. had had no opportunity to bring forward. The hon. baronet had intimated to the commissioners that their report would convey to the world an erroneous statement. They declined receiving his statement. If then the 11th report reflected on the conduct of the hon. baronet, was his statement in explanation to be rejected, because it might convey an imputation against a noble lord, whom some persons thought fit to consider above all enquiry? He was not desirous of entering into a discussion of the motives by which gentlemen were actuated in their friendship for the noble lord. Whatever he had thought of the noble lord, or now thought of him, he was not disposed to consent that his name should be brought forward to prevent the production of a document necessary to the vindication of a member of the house. The motion was for papers materially affecting the character of the person who called for them. Similar papers had been produced by a vote of the house; he was, therefore, at a loss to conceive why in this instance they should be objected to.

Mr. *Grey* said, the right hon. gentleman (Mr. Pitt) had not advanced a word in vindication of the manner and time of the hon. baronet's bringing forward his motion, but simply that to deny it would be inconsistent with the justice due to an individual; and that, as the report reflected materially on the hon. baronet, he ought not to be precluded from moving for that which was necessary to his own defence. By no means. God forbid, that he should be denied any paper necessary to his justification. What he complained of was, that the hon. baronet moved for documents comprising letters, without stating for what they were intended. Had he moved for specific documents, the propriety of granting them might have been canvassed; but the hon. baronet had moved for a letter from himself to the admiralty, inclosing other documents, without any information which might enable those concerned to supply the deficiency of such papers, supposing they should be incomplete. He repeated that it was an unfair proceeding. In what situation would the public be, if any person could, by writing a letter to the admiralty, get the inclosures printed and laid before the house of commons? Such a practice might lead to the circulation of he knew not what trash. If the letter was a justification of the hon. baronet, let it be produced in a fair and honourable mode. Public rumour had induced him to believe it related to an attack on a noble lord; if so, his friends ought to have an opportunity of supplying any defect in the papers it contained. A right hon. gent. had supposed that he (Mr. Grey) had intimated that the noble lord was above enquiry. He had never said so. He had said, that the noble lord was above attack, and if there was any imputation against him, he challenged it. He was so convinced of the noble lord's integrity, that he had no doubt any enquiry would redound to his honour.

Sir *A. S. Hamond* maintained, that he had taken the most regular and orderly way in bringing forward his complaint. In the 11th report, the comptroller of the navy was particularly reflected upon. There was one part of the evidence which reflected on him in a way that no person of feeling could pass over. Either the noble lord or himself must stand in a situation in which no man of honour would wish to be placed. He had written a letter to the commissioners, to desire that he might be re-examined. After a lapse of seventeen days, he was told, that the report having been submitted to the three branches of the legislature, his request could not be complied with. He was at the head of an inferior board, and it was material to him to prove that he was not the person alluded to in the eleventh report. He had written a letter to that effect to the commissioners of the admiralty, and had desired them to look over the documents, to convince themselves he had acted right. These were the papers he had moved for. The house was full at the time, and if he had done it five minutes too early, he had no intention to take the house by surprize.

Mr. *W. Dickenson* presented at the bar "a copy of the letter of the comptroller of the navy to the commissioners of the admiralty, dated April 22, 1805, relative to the evidence contained in the eleventh report of the commissioners of naval enquiry, together with its inclosures." On the motion that the papers do lie on the table, it appearing that the inclosures had no titles,

Mr. *Grey* doubted whether this was such a proceeding as ought to satisfy the house. Nobody knew to what these documents referred. Even now he was at a loss to develope them. There were no titles to them. He desired to know whether it was fair that papers so produced should be printed.

Mr. *Tierney* wished the papers to be laid on the table for two or three days before they were printed. If they were printed in their present state, they might create an impression which supplementary documents might not be able to remove. Both the hon. baronet and the noble lord were in a situation which no man of honour could submit to. The hon. baronet desired that he might not be condemned unheard. He (Mr. Tierney) was equally anxious that his noble friend should not be condemned unheard. He thought the better way would be to move for a committee to consider the eleventh report. All he was desirous of was, that a mutilated case should not be laid before the public.

The *Chancellor of the Exchequer* said, there was an equal desire that justice should be done to both parties. The question was, whether the house would put the hon. baronet in a situation of having hostile evidence adduced against him, lest the documents in his vindication might possibly reflect on another person. No doubt, the comptroller of the navy ought to have the full benefit of these papers; they were calculated to elucidate points relative to the hon. baronet's justification. An hon. gent. had observed, that it was competent to move for a committee. Was it not also competent to any one to move for a vote of censure against the hon. baronet upon the report? It was not unusual in the course of debate for gentlemen to form different views of a subject, and even when notice had been given of a particular motion, it had been discovered in a few hours that the motion which before was considered the best, would prove the worst that could be adopted. He concluded, by moving that the papers should be read.

Mr. *Fox* observed, that the case before the house was involved in intricacy. The whole seemed to have arisen from an irregularity the most strange and extraordinary that ever crept into the proceedings of that house of parliament. The hon. baronet thought, that his character being attacked by the eleventh report, it was his business to move for certain documents.

Nothing could be more right. But was it right to conceal any thing? Instead of referring to the documents A, B, or C, the hon. baronet referred them all to the inclosures of a certain letter. The house should consider the difference between evidence and comment. If the hon. baronet had not the documents necessary to his defence, certainly it would be unfair; but if his comment on them had been omitted, it would have been competent in him to have made it, as a member of parliament, in his place. If he had stated what the inclosures were, all this difficulty would have been avoided. Had he pointed them out by specific titles, it would have been competent to any gentleman to have this or that by itself, which may mislead the house, and therefore it will be necessary to move for some other papers. It had been stated, that the papers had been moved for at a certain time of the day—a very fit time, he granted, to move for such documents. No man could say that any observation in the hon. baronet's power to make personally, could be more availing in writing. It was important to have the whole of the documents before the public; but to have the comment without the text, was not that state of the business which the house of commons ought to be satisfied with. The right hon. gent. (Mr. Pitt) had observed, that the house had seen changes on a former day, with respect to certain motions of an hon. friend of his (Mr. Whitbread). The fact was, that his hon. friend, so far from having abandoned his notice, had been driven out of it by the majority of the house. He wished to know whether there was any thing deserving reproach, or that could reflect on the understanding or sedateness of his hon. friend, by the course he had adopted. Whoever witnessed the debate of that day, and saw the eagerness with which every one of the hon. gent.'s friends wished to screen the delinquents, could not but allow this was a sufficient reason for his hon. friend's abandoning his motion. He was of opinion it would be more dignified and consistent, not to have these papers printed till others connected with them could be also produced. Every one was aware that there was no man in the country above enquiry; but such was the character of lord St. Vincent, that if the letter accused him, the general and just opinion of mankind would be, that the imputation was unmerited. His character was not above enquiry, but it was above all suspicion that could be thrown upon it without enquiry. Now the inclosures were produced, the house did not know what they were; the clerk could not read them, because they had no titles. He wished to have the titles of these documents. He regretted that the house should have unnecessarily got into so difficult a state of proceeding.

Mr. W. *Dickenson*, jun. did not conceive there was any impropriety or irregularity in the proceeding. One of the papers was a letter from sir A. S. Hamond; the other, a letter from Mr. Tucker: they were both under similar circumstances.

Mr. *George Ponsonby* was of opinion that the papers ought not to be read, as they could not be read in the ordinary way, having no titles. The hon. baronet had not specified what any one of the papers was, but had stated that they would shew the house he was at issue with lord St. Vincent, and that one or the other must stand in a situation in which no man of honour would wish to stand. The letter, therefore, did not contain a defence of the hon. baronet, but a new and distinct crimination of lord St. Vincent. He was bound then to state the nature of the documents, that lord St. Vincent's friends might move for other papers, if necessary.

The *Attorney General* observed, that if any other person but lord St. Vincent were the object of the motion, no objection would be made to laying the documents on the table. But was there not a report on the table charging the hon. baronet with having omitted to have informed the first lord of the admiralty of certain important transactions? He had looked into the introductory letter since the commencement of the discussion, by which it appeared that the hon. baronet, when he found that his conduct had been reflected on by the 11th report, had tendered to be re-examined, which the commissioners had, no doubt on sufficient grounds, refused. The hon. bart. had then addressed himself to the admiralty, inclosing the documents. In consequence of which they were no longer in his possession, and that had been the cause of his moving for the letter and its inclosures. As to the observation of the learned gent. that this was a fresh and distinct charge against the noble lord, was not there already upon the table a charge against the hon. baronet? Was there no hardship in that?

A learned serjeant (Best) had given notice of a motion on the subject of the eleventh report next week, and in adverting to the charge of notices that had taken place, his right hon. friend had only said, that it was impossible for the house to know whether the motion would be made for a committee or not.

Mr. *Grey* felt it impossible to suffer the house to be led away by false impressions. He was sure the statement from the other side was not correct relative to the order of the motions (on Thursday). He had himself suggested to move for the committee first and for the prosecution after. But he observed a uniform endeavour to mislead the house, that they who supported him opposed the production of documents. God forbid! It was to the manner of moving for the documents they objected. He was happy to find that no gentleman attempted to justify the manner in which the hon. bart. had brought forward his motion. The report had been printed on the 11th of March, and it was not till the 22d of April that the hon. bart. wrote the letter to the admiralty; on the 25th he gave his notice, and on the 26th he moved for its production. What was to be concluded, but that he had written the letter for the purpose of having it produced to parliament?

Sir *A. S. Hamond* said, he had lost no time. It was extremely late in March when the report had been printed, and the next day he wrote to the commissioners of enquiry. As he held a high office, it was no slight matter that he should stand right with his superior board. He had written his letter on the 1st of April, and delivered it with his own hand to the commissioners. On the 17th he received the answer, and on the 22d he wrote to the admiralty. The documents were in the regular form of documents from one board to another, and numbered from 1 to 10, being letters from the secretary of state, and from the earl St. Vincent, and if the secretary of the admiralty did not produce them with the proper titles, it was not his fault. The reading the papers would not take up ten minutes, he should therefore vote for the motion.

Mr. *Kinnaird* should not have risen, if it had not been for a personal allusion to himself. Previous to the motion which had been observed upon, he had presented a petition from Mr. Tucker explaining the nature of his grievance and the motion.

The papers were then read by the clerk, and are as follows:

"*Copy of a letter from the comptroller of the navy to the lords commissioners of the admiralty, dated the 22d of April* 1805, *on the subject of the evidence printed in the eleventh report of the Commissioners of Naval Enquiry:—together with copies of sundry papers therein referred to.* Navy office, 22d April 1805.—My lords, having read the eleventh report of the commissioners of naval enquiry; and thinking the evidence given by the earl of St. Vincent as stated in the appendix to that report, was incorrect, and likely to lead the public into an opinion prejudicial to my official character, that I kept his lordship in ignorance of material transactions in my office; I was desirous of being again examined, and for that purpose I wrote to the commissioners the following letter on the 1st April; "gentlemen, having read your eleventh report to the house of commons, "and observing from the concluding part "of the appendix to that report, that the "earl St. Vincent declared before you, "that he had no knowledge of the transaction therein alluded to, in respect to "which, the sums of money therein mentioned were severally issued; I beg "leave to be again examined before you "upon that subject, in order that the testimony I propose to give, may be made "a supplementary report. I have in my "possession such proofs as will convince "that his lordship was acquainted with "those transactions; these proofs in justice to myself, I desire that I may be "allowed to lay before you."—I attended with the letter myself on the day it bears date, and having delivered it, I retired into the next room to wait their pleasure upon the subject of it; after waiting a short time, I was informed that they would send me an answer; and I received in consequence, the following answer, dated the 17th instant. "Sir, we have received your "letter of the 1st instant, respecting the "evidence given by the earl of St. Vincent, entered in the appendix to our "eleventh report; and proposing to us "to re-examine the matters to which that "evidence relates. We have very lately "had occasion to decline resuming an enquiry after having submitted our report "upon the subject of it to the three branches of the legislature; and we do not "any thing in the circumstances commu-

" nicated by you, which requires us to " adopt a different line of conduct."—Feeling much disappointed at not having the opportunity of giving the explanation which I wished to the commissioners, and being desirous that your lordships should not remain in ignorance on this subject, I take the liberty of submitting to your lordships the following statement and declaration, which I should at any time be ready to verify upon my oath before the commissioners, or in any other manner in which it might be thought desirable that I should swear to it. I have the honour to be, my lords, &c. &c. (Signed) *A. S. Hamond.*"

"*Statement and Declaration.*—On reading the eleventh report of the commissioners of naval enquiry, and particularly the evidence given by the earl of St. Vincent, as stated in the appendix to that report, which appears to me not to be correct; I have judged it proper to make the following declaration. I declare, 1st, That I have written documents in my possession (copies of which are hereunto annexed) which appear to me to prove that his lordship had a thorough knowledge of one of the transactions; all knowledge of which he has denied:—And, 2dly, I declare, that although I have no written testimony to prove that his lordship was actually acquainted with the other transaction set forth in that report; and also stated in the appendix by his lordship to have been unknown to him; yet that his lordship was not unacquainted with its having taken place; and the fact of his having denied the one, which is capable of distinct proof, may tend to confirm my declaration upon the other, as the same degree of forgetfulness which occasioned his denial of the one might occasion a similar mistake in his denial of the other. I therefore declare, that feeling it to be my duty to take care that the first lord of the admiralty should be informed generally of the transactions of my office, and particularly, of such as were out of the ordinary course of proceeding; I took occasion not long after the earl of St. Vincent came into office as first lord of the admiralty, to ask his lordship if his predecessor lord Spencer had acquainted him with any services going on under the authority of his approbation or order, that still remained unexecuted, and to which I might have occasion hereafter to call upon his lordship for his sanction; and his answer was, that lord Spencer had not mentioned any circumstance of the kind to him, or left any memorandum, having emptied his drawers previous to his (lord St. Vincent) taking possession of his office room. I then told his lordship, that it became my duty to inform him of various particulars that I considered absolutely necessary he should be acquainted with. I mentioned to him the circumstances under which the merchant builders were then going on with the 74-gun ships contracted for in 1800; that instead of having complied with their request to increase the price they had engaged for, I had been authorized by lord Spencer to give them assurances, that if they went on and built the ships according to contract, their case should be fully considered, and a compensation made them for their losses, if the same should be made appear to the satisfaction of the navy board; this, lord St. Vincent fully approved of at that time. I also informed his lordship, that Mr. Lindegren was employed as an agent to procure hemp for the navy through the neutral merchants, (the Russian ports being then shut against this country); which his lordship also approved of, and continued.—I stated likewise to his lordship, all the circumstances that had occurred in the change of the mode of paying the navy bill; shewing what an immense saving it had been to the public; and the difficulties which arose in 1797 in first getting the ninety-day bills into circulation; and informed him of the expedient the treasury had been obliged to resort to for keeping up their credit, when there did not happen to be money in the exchequer to discharge them.—And I do as confidently assert, upon the same principle, and either at the same time, or shortly afterwards, I informed his lordship of all the circumstances of the transaction relative to the issue of the 100,000 *l.* stated in page 491 of the commissioners' report, and which is described by me to be of a nature not fit as yet to be made the subject of a public report: and I add now, that I not only am ready to give to your lordships the most complete explanation of the transaction; but I subjoin to this statement and declaration a copy of a letter, which, though subsequent to my examination, yet previous to their making their report, I sent to the commissioners of naval enquiry, tendering to give them also every information upon that point, provided they would not make it the subject of a public report; and which letter, if they had added to their appendix would have shewn that it was not a transaction which I had any wish to keep secret, except so far as the disclosure of it would be detrimental to the public survice; and I do declare, that I believe, if the commissioners had entered into this examination, which I tendered in that letter, that they would have had no difficulty in stating, that the reasons upon which I was desirous to observe this secrecy, were perfectly satisfactory and sufficient. And I do declare, that with respect to the last issue of 30,000*l* the order for which is dated from the treasury on the 14th March 1801, it was considered as forming a part of the above transaction, and took place before Mr. Pitt quitted office, although the bills were not actually passed until the 9th April, and therefore this particular issue was not distinguished by me, when I related the circumstance to lord St. Vincent. (Signed) *A. S. Hamond.* Navy Office, 22d April 1805."

"No. 1. Copy of a letter from Sir A.S. Hamond to Earl St. Vincent, dated Navy Office, 9th March 1804.—My Lord, As I had not the honour of seeing your lordship this morning when I waited upon you at the admiralty, I beg to inclose, for your information, an order I received the 9th of last month from lord Hobart; and to acquaint your lordship, that in consequence thereof I have forwarded the service therein mentioned as far as it was in my power, and that three ships fitted for the purpose have now sailed down the river to join lord Keith.—I beg further to acquaint your lordship, that I have avoided as much as possible taking any people or stores from his majesty's dock yards for this service; but, from the want of exertion of the parties whom I was directed to control, and from the necessity which existed for extraordinary dispatch, I have been obliged to have recourse both to Woolwich and Chatham yards, the particulars of which shall soon be laid before the admiralty. I have the honour to be, my lord, &c.&c. (Signed) *A. S. Hamond.*"

"No. 2. Copy of an Order inclosed in Sir Andrew Snape Hamond's letter of the 9th March 1804, to the earl of St. Vincent. Downing-street, 9th Feb. 1804. (Most secret)—Sir, It being thought advisable, under the present circumstances of the war, that an attempt should be made for carrying into execution the project suggested in the inclosed paper for choaking up the entrance into the harbour of Boulogne; and the success of such an enterprize depending in a great measure upon the secrecy and dispatch with which the preparations may be made; I have the king's commands to signify to you his majesty's pleasure that you do take these preparations under your immediate control, and that you do communicate confidentially with Mr. —— supplying him with such funds, and giving him such orders for the purchase of vessels, and providing the stone and other materials which you may judge necessary to be embarked, as shall be requisite for accomplishing the object in view. The advances you may have occasion to make for this service will hereafter be replaced by the treasury. As soon as the vessels shall be sufficiently laden, you will give directions that they should proceed with all possible expedition to the Downs, where all further orders will proceed from lord Keith. I am, sir, &c. (Signed) *Hobart.* Sir A. S. Hamond, baronet, comptroller of the navy."

"No. 3. Sir, I have received your letter of yesterday, inclosing an instruction which you had received from lord Hobart for the execution of a secret service, and which I have no doubt will be well performed; but as the whole expense is to be defrayed by the treasury, I do not see occasion for any part of the detail being submitted to the admiralty board. I return herewith lord Hobart's letter, and have the honour to be, sir, &c. (Signed) *St. Vincent.* Admiralty, 10 March 1804. Sir A. S. Hamond, baronet, comptroller of the navy."

"No. 4. My dear sir, I hope you can report progress. I have not seen or heard from Mr. —— since I saw you; lord St. Vincent approves much of the direction being with you, and will himself write to lord Keith when the preparations are sufficiently forward. Yours faithfully, *J. Sullivan.* Downing Street, 18 Feb. 1804, Sir A. S. Hamond."

"No. 5. My dear sir, Lord Hobart begs me to say, that he hopes the vessel's having taking the ground, is not an indication of her draught of water being too great for the proposed service. He is going to settle with lord St. Vincent about the protections; and I am goiag to arrange with the treasury about the instructions to the Custom House. I am, my dear sir, faithfully yours, *J. Sullivan.* Downing Street, 21 Feb. 1804. Sir A. S. Hamond."

"No. 6. DowningStreet, 23d Feb.1804. My dear sir, Lord Hobart proposes to send a messenger to-night to lord Keith, and hopes you will send your paquet to go by him. Lord St. Vincent's letter will accompany it. Mr. Frewin of the Custom House, assures me that surveyors are not sent on board ships unless notice is given that a drawback will be claimed for any part of the cargo, or unless some suspicion is entertained of fraudulent practice. He will be in the chair of the Custom House all next week, and will see Mr. —— and act upon any communication from him, if it should appear absolutely necessary; but until the necessity shall occur, he is decidedly of opinion that it would not be advisable to give an order, because it would inevitably give publicity to the business. Mr. Frewin has been fully informed on the subject. I beg of you to send me the original paper of Mr. —— or a copy of it. I am, my dear sir, &c. *J. Sullivan.* Sir A. S. Hamond."

"No. 7. Downing Street, 26th March 1804. My dear sir, Though the accompanying are rather rejective, I have had some comfort from the report of —— who arrived about an hour ago. He says, positively, that the other pilots agree in opinion with —— that the project is practicable, and that if the ships should be placed in the proper births, they will produce all the effect we have been given to expect. —— and —— will call on you. I have sent them to lord St. Vincent. Yours truly, (Signed) *J. Sullivan.* Sir A. S. Hamond, baronet."

"No. 8. Downing Street, 12th April 1804. My dear sir, When you have looked over the accompanying papers, have the goodness to return them to me. If you think yourself at liberty to give me a copy of captain Owen's letter, for the purpose of my shewing it to the first lord, I will thank you for it; I have shewn him in confidence the papers I now send you. Truly yours, (Signed) *J. Sullivan.* Sir A. S. Hamond, baronet."

"No. 9. Navy Office, 1st April 1805. My lord, As I find, upon reading the eleventh report of the commissioners of naval enquiry, that lord St. Vincent does not appear to recollect the secret service your lordship placed under my control in February 1804, namely, the project for blocking up the harbour of Boulogne; and as I understood both from your lordship and Mr. Sullivan, that the plan had been first submitted to lord St. Vincent, whose opinion was, that if executed by the smugglers themselves, there was reasonable ground to expect success, but not so, if put into the hands of the officers of the navy; that it was in consequence of this opinion, that your lordship determined to employ Mr. —— to carry the project into immediate execution, to direct me to take the preparation under my control, and to provide naval funds for the expence thereof, as the more effectual means of keeping the exdedition secret, and which was to be repaid by the treasury when the amount was ascertained.—As I find a considerable impression is made on the public mind, that a transaction of this nature should be carried on by the comptroller of the navy, without the knowledge of the first lord of the admiralty, I feel myself under the necessity of requesting your lordship will have the goodness to furnish me with some document that will fully shew I was not guilty of that breach of my duty, which I cannot but think is intended to be imputed to me by lord St. Vincent. I have the honour to be, my lord, &c. &c. (Signed) *A. S. Hamond.* The earl of Buckinghamshire, &c. &c. &c. late lord Hobart."

"No. 10. Grosvenor Place, 3d April, 1805.—Sir, I avail myself of the earliest opportunity of acknowledging the receipt of your letter of the 1st instant, which did not reach me until yesterday. In order to intimate for your satisfaction, that you had full authority from me to understand, that previous to any determination being taken, the project for blocking up the harbour of Boulogne had been submitted to the consideration of earl St. Vincent, and that he had approved of my suggestion to place the necessary arrangements for that service under your direction and control. I have further to add, that I signified to you the king's commands for supplying such funds, and giving such orders as might appear to you requisite, with a view to the ultimate success of the undertaking. Informing you at the same time that the advances which you might have occasion to make for the service in question, would be hereafter replaced by the treasury. I have the honour to be, &c. &c. (Signed) *Buckinghamshire.* P. S. If it be intended that your communication to me, should be made a public document, I must request, for very obvious reasons, that the name of the individual principally employed in the business may be omitted. *B.* Sir A. S. Hamond, Bt."

"No. 11. Navy Office, 30th Nov. 1804. Gentlemen, Since my return to town, your precept to the navy board has been put into my hands. I find the board has already signified to you, that the navy ninety-day bills, mentioned in your said precept, on the days and for the sums particularized, were issued, by my written directions, to the committee of accounts, in consequence of secret orders I had received from government for specific purposes, and which were kept in my possession.—I have now the honour to acquaint you, that the first sum stated in your precept, was issued by directions from the lords commissioners of the treasury, dated 4th October 1792, and marked *most secret.* The subsequent issues, viz. 22d November 1799, and 9th April 1801, were made by similar orders. The service for which these naval payments were made, was communicated to me in confidence, and I consider it to be of so delicate a nature, that although the late treasury board signified in a secret letter to me from Mr. Vansittart, dated 1st May 1804, "That "the individual in question had performed "the service for which the navy bills had "been issued, to their lordship's satisfac-"tion, and therefore directed the navy "board to make out a clearing bill to dis-"charge Mr. ——— and his partners "from the responsibility of the debt to "government;" yet I am decidedly of opinion, that even mentioning the name of the parties, with the sums issued to them at the particular periods before-mentioned, in any report to be laid before the public, would not only endanger the loss of a great part of the money to government, but would subject the party who had been employed to very great inconvenience.—I therefore submit these circumstances to your consideration, as I find it impracticable to give you a copy of the orders under which I acted, "omitting the secret "instructions respecting the services to be "performed," as they are contained in almost every line of the authority: I am, nevertheless, ready to lay before you, privately, all the papers relative to the transaction, provided I am assured that it is not to be publicly reported upon, as in that case I should consider myself not at liberty to make the communication without first consulting the government. With respect to the 2d issue of navy bills to Messrs. Hammersley and Co., I beg leave to acquaint, you that lord Hobart, one of his majesty's principal secretaries of state, signified to me the king's pleasure, that I should take under my control, and provide funds for the preparation of a project intended to be carried into execution on the enemy's coast (a copy of which I have the honour to inclose in obedience to your precept); and considering it more for the interest of the public, that the funds should be in the hands of a banker, rather than in those of a person unknown to me, and over whom, whilst money was at his command, I could expect to have but little control; I judged it most advisable to have the money impressed to Messrs. Hammersley, and Co. who have no other concern in the transaction than paying such bills as had my approval. I have the honour to be, &c. (Signed) *A. S. Hamond.*"

On the motion for their being printed,

Mr. *Tierney* called the attention of the house to the papers. It was a direct and wilful perversion to call them papers that corrected the evidence of lord St. Vincent. That evidence stood unimpeached. The house had an interest in the character of lord St. Vincent, and his private friends had an interest. The charge here was no less than one of direct perjury. It was the general fate of all men in high situations to subject themselves to calumny, if they touched the work of corruption. He would aver, and that without fear of contradiction, that with regard to the secret expedition, lord St. Vincent never did give his sanction to it. Lord St. Vincent uniformly protested against the appropriation of naval money to any but naval services, or to other purposes than those for which it was voted by parliament. His lordship uniformly took care that not one farthing of the public money of his department should be misapplied. Lord St. Vincent never made any appointment of a single naval officer to the expedition, although he might have desired lord Keith to give it a convoy. The whole was left to the persons appointed by the treasury. The papers which were just read, had nothing to do with the charges against lord St. Vincent. By lord Hobart's letter, it appeared that the whole expence was to be defrayed by the treasury. Lord St. Vincent washed his hands of it when he returned to sir A. Hamond the letter of lord Hobart. To be sure, it was impossible for lord St. Vincent, as a member of the cabinet, not to have known of the expedition, but he had no participation in lodging navy money in the hands of the hon. baronet. Here then ends, in the face of the house, the first charge against lord St. Vincent, and the remarkable phrase that either the situation of lord St. Vincent or sir Andrew Hamond would appear from the papers, one in which no man of honour would wish to stand. As a seaman, lord St. Vincent gave his opinion respecting the project for choaking up the harbours of the enemy; but, as a servant of the public, he had never departed from his resolution not to use the public money against the votes of parliament. I have but one more observation to add, which is, that the worthy baronet has my warmest thanks for the production of his papers.

Mr. *Canning* observed, that the impression made upon his mind was, that the hon. baronet had moved for the production of these papers for the purpose of repelling a charge, the substance of which was to be decided by the answer to be given to a question, whether the comptroller of the navy had employed money entrusted to his charge in other services than those of the admiralty? That was the charge, and which charge it was not for him to say had been repelled; that was with the house. But how it might appear to be conformable to, or contrasted with, what might have been said or sworn elsewhere, he left to the consideration of the public.

Mr. *Fox* observed, that what had just been said by the right hon. gent. was fair, if indeed it was not something more than fair. But he had a right to expect that the point should be put on the true ground, and perhaps it would have been fair if the rt. hon. gent. had put forward the charge against lord St. Vincent. The ground of bringing forward these documents was, that my lord St. Vincent's evidence, as delivered to the commissioners of enquiry, was incorrect, as was indeed stated in one of the documents themselves. Now, it was so far from being so, that there was no incorrectness whatever in that evidence; on the contrary, lord St. Vincent understood the matter at the time, as he and every body else understands it now, and he should be glad to have the incorrectness pointed out. It was another matter to say that the hon. baronet was to blame in what he did on the subject of that expedition; that was a point which was not now before the house. The question at present was, whether the evidence of lord St. Vincent was, or was not correct, and it really appeared to him perfectly correct.

The *Chancellor of the Exchequer* said that whatever might be doubtful, thus much indisputably appeared on the face of these papers; that the transaction which occasioned the expence, the expedition which had been so frequently repeated, was a measure perfectly well known to lord St. Vincent; that to the expence being incurred, he had no objection; that he objected afterwards only to its being defrayed out of naval money—(a cry of hear! hear!)

Mr. *Grey* said, that lord St. Vincent knew of the transaction of some secret service was a fact; but that lord St. Vincent disapproved of and protested against the application of naval money for that purpose, was equally indisputable; no naval money was, either directly or indirectly, issued for that purpose under the authority of that noble earl. His answer was given to the commissioners of naval enquiry with reference to his assent to the naval money being employed to the purpose of that secret service, which assent he most indisputably never gave. Lord St. Vincent was, therefore, perfectly right in that sense, when he said he knew nothing of the transaction.

Mr. *Wallace* said, that as far as his recollection went, it did appear to him that the noble earl was quite incorrect in the statement he made before the commissioners; for it appeared from the communications of sir A. S. Hamond, that the noble earl not only knew of and approved the secret service, but that he also assented to providing the funds for it. Most certainly the impression on his mind was directly the reverse of that felt by the hon. gent. (Mr. Grey) opposite to him.

Mr. *Grey*.—I say the representation of the hon. gent. who has just spoken, is directly the contrary of the transaction to which he refers. If he means an epithet to apply to the evidence of the noble earl.

Sir *A. S. Hamond* said it would appear, that his lordship directed that the comptroller of the navy should have funds for defraying the expences of the expedition, and he would beg to know whether these funds were to come from his own pocket, or from the money of the navy. This letter was written by lord St. Vincent, in which he told sir A. Hamond that his lordship was satisfied the service (that was, the secret, or stone expedition) would be properly performed. Here the hon. baronet alluded to the letter of lord Hobart, of the 7th of March 1804, and of earl St. Vincent on the 9th, wherein his lordship said, "It is thought advisable under the present circumstances of the war, that an attempt should be made for the prosecution of a project for choaking up the harbour of Boulogne, the success of which will depend on secrecy and dispatch. I have the king's commands to inform you it is his majesty's pleasure that you take this under your immediate control, and communicate in confidence with Mr. ———, supplying him with such funds, and giving him such orders for the purposes of protecting the vessels, and supplying stones and other materials, which may be judged necessary to be embarked, as shall be requisite for accomplishing the object in view. The advance you may have occasion to make for this service shall be hereafter repaid from the treasury. The vessels will proceed to the Downs, and you will receive orders from lord Keith." Another letter on the following day from the noble earl to sir A. S. Hamond stated, "I received your letter of yesterday inclosing instructions from lord Hobart for an expedition on the naval service, and which I have no doubt will be well performed; but as the whole expence is to be defrayed by the treasury, I do not see any occasion for any part of the detail being transmitted to the navy board."

Mr. *Wallace.*—I beg to know whether I have stated the direct contrary of the true representation on these letters? I have not done so, as far at least as my understanding goes. I say, it was stated originally in my lord Hobart's letter, that the funds were, in the first instance, to be supplied from the navy, but that they were ultimately to come from the treasury, and that my lord St. Vincent was aware of this. I should be glad to know what he has to say against that?

Mr. *Grey.*—My lord St. Vincent states, that the whole expenditure is to be defrayed by the treasury. He protests against the application of any naval money for that purpose. I have my lord St. Vincent's authority to state, that he would have quitted office altogether; or, to use his own emphatical expression, put his hand in the fire, rather than he would have consented to the issue of any naval money for that purpose.

Mr. *Wallace.*—I did not mean to say any thing in contradiction to what the noble earl has thought fit to communicate to the hon. member as to what he would have assented to: I am stating only what appears on the face of the papers.

Mr. *Grey.*—I say the papers completely prove that which my lord St. Vincent said to me.

Mr. *Sullivan* lamented that he had had the misfortune not to be in the house when this discussion had commenced, and that, therefore, he could but imperfectly reply to all that had been said. But he was clear that the expedition was perfectly known to lord St. Vincent, and he thought it but justice to all parties to say, that he was perfectly acquainted with the whole transaction. Lord St. Vincent resided at that time chiefly in the country, and, therefore, the communications with him were entirely by notes. His (Mr. Sullivan's) letter to sir Andrew Snape Hamond was dated 9th Feb. On the 10th, lord Hobart wrote to lord St. Vincent, that for security and expedition sir A. Hamond was to take charge of the whole of the preparations, and to advance the funds which were to be afterwards replaced. Sir A. Hamond proposed to raise the money by an issue of navy bills, which were to be paid off when the money for the expedition was issued from the treasury. The funds thus created were paid into Messrs. Hammersley's bank. He did believe in the beginning, that lord St. Vincent was acquainted with the whole of this arrangement. But he acceded to the declaration of partial knowledge, because he was sure that the noble lord would not say that which was not true. But till he knew that his lordship had declared himself so entirely ignorant of those particulars, he did believe that he was perfectly aware of them. He did believe the hon. gent. opposite, when he stated that lord St. Vincent declared he would have sooner put his hand in the fire than have countenanced this application of the navy money. But certainly lord St. Vincent did not shew any such aversion to it at the time, he supposed from what had been said, because his lordship did not know it was to be done.

Mr. *Vansittart* thought he could throw some light on this transaction, by stating what he knew of it from his official situation at the time. Great difficulty arose from the unwillingness of lord St. Vincent to apply the navy money to this expedition; and there being at that time no vote of credit, the only resource that remained was, that the comptroller of the navy should provide the funds in the first instance, and that they should be replaced from the treasury as soon as the vote of credit passed. He was glad his right hon. friend, who was then treasurer of the navy, had explained the matter in the manner he had done. He was sure lord St. Vincent was a man of honour, but without that explanation he should have found it difficult to reconcile the evidence with what he knew of the facts, though he could not suppose any improper design in lord St. Vincent. At the same time, it was obvious, that the hon. baronet stood fully acquitted by the documents on the table, so far as any charge may have been made against him of having acted in this business without being fully authorized.

The *Chancellor of the Exchequer* supposed the house must now be satisfied from the reading of the papers, that there was no intention to take the house by surprise, nor to advance any other unfair object, and that any surmise of that kind was absolutely unfounded. Whatever construction may now be put on the words of the evidence, the obvious impression they were calculated to make was, contrary to the intention of the noble lord, he did suppose, that sir A. Hamond had issued navy money for services, of which the first lord of the admiralty knew nothing. This was the impression they had made on his hon. and learned friend (the attorney-general), till the matter had been explained. He asked, under these circumstances, what would have been the counsequence if the enquiry had bsen stifled in the manner that had been proposed? What injury would not have been done to sir A. Hamond, if it had been only known that he had advanced the money to be replaced, but without the first lord of the admiralty having any acquaintance with the transaction for which it was advanced? Now it appeared that it was advanced for a service known and approved of by the first lord of the admiralty; that there was an arrangement that it should be advanced by the comptroller of the navy, to be replaced by the treasury. It now appeared, and it was a point much relied on, that in a transaction which was purely naval, and which was approved of by the first lord of the admiralty, there was no objection on the part of that noble lord to the plan going forward, provided the expence was not defrayed out of the funds for the naval service. This was a new light, in which the transaction would not have been placed, if this discussion had not been instituted; what the effect of it was, he should not say.

Mr. *Fox* was astonished to hear from the right hon. gent. (Mr. Pitt) that the natural construction was, that lord St. Vincent meant to say he knew nothing of the stone expedition. Could any man suppose that was what his lordship designed to represent? Was not the most indolent observer in the kingdom informed of it? Then, as to the money, true it was there was no attack upon the integrity of the noble lord. Whether lord St. Vincent, in the high situation he held, did wright or wrong, in suffering the expedition to proceed, was a question on which at present he was called upon to give no opinion, but as a pecuniary transaction it was perfectly obvious he would not suffer the funds of the navy to be applied to it. The right hon. gent. said the design was to stifle the information contained in the papers. Did requiring them to be publicly read indicate any such indisposition? Then why talk of surmises, when those hon. members to whom the surmises were attributed, could not have the most remote idea of their contents. With regard to the innocence or culpability of sir A. Hamond, that was also a question foreign to the present enquiry, and would, no doubt, be a subject of future discussion. If there existed any feeling on the mind of a single individual in that house, which attached the smallest suspicion to the character of the noble earl who had been so often named in this debate, he hoped the matter would be investigated with the utmost industry, and he (Mr. Fox) was fully convinced the enquiry would terminate in a way most honourable to his lordship.

The *Chancellor of the Exchequer* was surprised to hear hon. gentlemen disavow that there was a design to stifle information when a motion was proposed to expunge the order for the perusal of the papers. With regard to the assertion that what lord St. Vincent said implied he knew nothing of the transaction, in this he must persevere. He did not say what his lordship's intention was, but he (Mr. Pitt) would repeat, that the natural impression from the papers was, that the noble earl knew nothing of the affair. But in order to remove any doubt on a matter that appeared to him so plain, he would read the question and answer from the report:—*Q.* "It appearing that 1400l. was advanced by Messrs. Hammersley and Co. between the 18th of Feb. and the 21st of April, 1804, for a secret service, was the comptroller of the navy authorised by you to perform a secret service, or have you any knowledge of the transaction?"—*A.* "He was not; nor have I any knowledge of the transaction."—His lordship might mean that he was not officially apprized of it, but the common impression would be, that he had no knowledge of the transaction regarding that secret service. This was the conclusion he drew, and he believed most persons had deduced on the perusal of the report.

Mr. *Grey* said, the right hon. gent. had been guilty of wilful misrepresentation—[a cry of order!]. The chancellor of the exchequer rose with much warmth. The speaker felt it his duty to inform the honourable gentleman, that the expression he had made use of was not justifiable. Mr. Grey said, he was sorry that any improper expression should have escaped him in the warmth of the moment. He contended that there was no evidence of any disposition to stifle enquiry; on the contrary, he had expressly declared his desire that every document that could aid the defence of the hon. baronet, or any attack to be made on lord St. Vincent, should be produced, only wishing to regulate the manner in which such documents should be allowed to go forth. He contended, that the questions put to earl St. Vincent were only relative to the application of the money.

The *Chancellor of the Exchequer* stated, that what he had said, was, that there had been an attempt to stifle these papers, and he said so still.

Sir *Charles Pole* was now called upon from all sides. He stated, that the object of the questions put to earl St. Vincent related solely to the apparent irregularity in the application of the money. When his lordship answered that he knew nothing of it, his lordship was then asked whether it might not have been applied to the stone expedition? He answered, it could not, because there was no authority for such an application, the money for the stone expedition being to come from the treasury.

The *Chancellor of the Exchequer* thought it extraordinary that this explanatory question and the answer to it were omitted in the report.

Sir *Charles Pole* said, the question was asked for the purpose of assisting his lordship's memory. The same general negative being given, it was thought unnecessary to insert the question in the report.

Mr. *Hobhouse* said, that the question had been for so long a time quite out of sight, that, without consulting his recollection, he should not have known what was the immediate object of discussion. He had witnessed a great deal of clamour and irritation, of crimination and recrimination, and of every thing, in short, but argument. The motion before the house was, whether the papers which had been presented by the worthy baronet (sir A. S. Hamond), and read at the table by the clerk, should be printed for the use of the members? Had any objection been offered to its adoption? What possible mischief could result from the publication of these papers? He had heard none assigned; he could conceive none; and therefore he should cordially assent to the motion. With respect to the testimony given by lord St. Vincent before the naval commissioners, and annexed to the eleventh report, his (Mr. Hobhouse's) impression upon reading it agreed with the statements of his right hon. friend below him (Mr. Vansittart), and of his right hon. friend near him (Mr. Sullivan); both of whom, from the public situations they at that time filled, were well acquainted with the whole proceeding, and most capable of forming a correct judgment. The question put to his lordship was, "whether the comptroller of the navy was authorized by him to perform any secret service, for which a certain sum was advanced, and whether he had any knowledge of the transaction?" The answer was—"he (the comptroller of the navy) was not, nor had he (lord St. Vincent) any knowledge of the transaction." What other inference could be deduced from this reply, except that his lordship did not know the secret service alluded to, and had not authorized it? This from the letters which had now been read, was certainly not conformable to the fact. It appeared, however, from the same documents, that his lordship looked to the treasury for the payment of the expence, and therefore he was not guilty of warrant-ing the application of naval money to secret services. By the explanation now given by lord St. Vincent's friends, it was clear, also, that to this point his lordship intended to direct his answer to the commissioners. The evidence, thus construed, left not the least shadow of blame upon his lordship. He (Mr. Hobhouse) entertained the highest opinion of lord St. Vincent's integrity and honour; he admired his professional talents, and completely approved his administration of the admiralty during the time that he presided at that board. Mr. Hobhouse concluded with repeating his wish, that a debate so totally irrelevant to the question under consideration, might no longer be protracted.

Admiral *Markham.*—Lord St. Vincent certainly knew it; I knew it; sir Thomas Troubridge knew it. With regard to approving it, I never did. I can mention a circumstance which will shew lord St. Vincent's acquaintance with the affair. I remarked to his lordship at the time the business was carrying on, with so little secrecy it was conducted, that it was the common talk from one end of the river to the other, that the comptroller of the navy was fitting out these stone ships. Lord St. Vincent replied to me, "You and I have nothing at all to do with it, the treasury is to pay for it."

Lord *Dunlo* thought it strange that the explanation given to lord St. Vincent's mind by a particular reference to the stone expedition, was not inserted in the report. If the question was put, why was it not in the minutes; if it was in the minutes, why was it not in the report?

Sir C. *Pole* said, it was not put down, because it had been directed merely to assist lord St. Vincent's memory, and because it had not produced any knowledge of the matter in his lordship's evidence.

The *Attorney-General* said, the misapprehension arose from the unhappy circumstance that the witness did not understand the question, which required some explanation for the direction of his mind. The question was put down without explanation, and the answer was recorded without qualification. Thus the misapprehension was in the report, without that which had some tendency to correct it.

Mr. *Robert Ward* contended, from the time, that lord St. Vincent must have been perfectly aware that the expedition was going forward, and that the letters shewed it. The noble lord must besides have been aware that the money was to be advanced by the comptroller of the navy, to be replaced by the treasury.

General *Gascoyne*, from what had been stated by the hon. baronet, who was at the head of the commission, thought it clear that the commissioners conceived the noble lord's memory wanted assistance and direction. They knew his lordship well; and if they conceived his memory was deficient, he could not imagine they thought so without reason. He was the more ready to admit the propriety of this proceeding, as he himself had been a member of a court martial on a very meritorious general officer, before which the noble lord had been a witness, and the noble lord's memory failed him so much that he forgot precise orders given by himself. He could therefore conceive very easily, why persons so well acquainted with his lordship as the commissioners, should have thought it right to assist his memory on the occasion now alluded to.—The question was now put, and the papers were ordered to be printed.

[NAVAL COMMISSIONERS' RENEWAL BILL.] The *Chancellor of the Exchequer* moved the reading the act appointing the commissioners of naval enquiry, and the act being read accordingly, the right hon. gent. rose pursuant to notice, to move for leave to bring in a bill for the further continuance of that act for a time to be limited. In a former part of the sessions, he observed, that it was his intention to bring forward this motion, if it should appear that the commission of naval enquiry should be unable in the course of the sessions to fully discharge the duty assigned to them on their original appointment. This inability was now apparent, as several objects still remained for investigation which would necessarily occupy much time. It therefore became proper to prolong their continuance. With respect to the conduct and character of this commission, he was as willing as any man to admit, that it had produced much useful and important information. At the same time, however, he would say, that there were several parts of the conduct of this commission of which he could not approve, but still their investigation had been productive of many results that would conduce to the public service, and on this ground he felt it his duty to submit this motion.—The motion being put,

Mr. *Whitbread* thought it extraordinary that the right hon. gent. should select the very time he was moving for leave to bring in a bill to prolong the existence of the naval commission, in order to cast a slur upon the conduct of that commission. Such a reflection from any man in the house would excite surprise, but from the right hon. gent. on such an occasion too, it must be peculiarly surprising. Not only that he was quite sure it was decidedly opposite to the general opinion of that house, and the universally received sentiment of the country, that those commissioners were in any part of their conduct deserving of censure. So far from it, that there could be no doubt that the public feeling was warmly in their favour, too much so indeed to afford any thing like a gracious reception to the right hon. gent.'s remarks. Those commissioners, in his judgment, and he believed there were very few who really differed from him, had discharged their duty with peculiar moderation and justice. If the right hon. gent. thought that they had in any instance deviated from that duty, or made an improper exercise of the power intrusted to them, it was incumbent on him to have stated it, and not to have dealt in loose insinuation. Persuaded of the merits of this commission, and that where the results of its enquiry were in any case imperfect, that imperfection did not proceed from any want of diligence or capacity on their part, but from a deficiency in the powers with which they were invested, he should move an amendment, the object of which would be to remove that deficiency. The first point upon which he would propose to extend the power of the commissioners, would be to compel public officers to furnish them with accounts or documents in such form as they might think proper, to specify. Thus, no treasurer of the navy, or other public officer, or deputy, would be permitted to thwart or delay the proceedings of this meritorious commission. The next amendment he would submit would go to repeal or new-model the 5th clause, which appeared to have been so improperly made use of to prevent the full disclosure of public delinquency, and to protect delinquents. These effects, which were notorious, and which occasioned general regret, must impress the mind of every man who was really anxious for the success of this enquiry, with a strong conviction of the necessity for this amendment. No objection could be made to a further extension of the powers of those commissioners from any apprehension that that power was likely to be abused; for against such an apprehension the discreet and moderate manner in which they had heretofore acted must afford sufficient security. According to the act, as it now stands, every person had, it seems, a right to decline to answer any question which he chose to think might tend to criminate himself. This afforded such a latitude as was calculated completely to defeat all enquiry, and he would appeal to the learned gent. on the other side (the attorney general), whether any man would be permitted in a court of law to decline answering a question merely upon his own conception that the answer might tend to criminate him. The practice, on the contrary, was, he apprehended, that if a man declined, upon such an allegation, to give an answer, the court was competent to say, that it did not appear likely the answer would produce such an effect, and that therefore the witness must answer. If, however, the answer should tend to criminate the witness, the common law would protect him against the consequences. Now, it was his wish to invest the naval commissioners with a discretion of the same nature as that possessed by the judges—that they should have the power of compelling reluctant witnesses to answer—that such witnesses should be protected by this act, not against the answer, but against the consequences of such answer. With this view the hon. gent. moved an amendment to the motion—that the word "amend" should be inserted after the word continued.

The *Chancellor of the Exchequer* observed upon the allusions which the hon. gent. had made to what he thought proper to call a slur thrown out by him upon the conduct of the naval commissioners. Surely the hon. gent. could not suppose that because he felt it his duty to bring forward this motion, that he was therefore divested of the liberty of speech, or that he was to be held out to the odium of that house or the country, because he had thought proper to animadvert upon the conduct of the naval commissioners. He certainly did think that those commissioners had in certain instances executed their powers in a very unbecoming manner. But still he was ready to say that their services were productive of public utility, and in consequence of that opinion he brought forward the motion before the house. With regard to the new provisions recommended by the hon. gent., he did not conceive that there were grounds for their adoption. They were at all events of such a nature as to require much deliberation, and therefore he should oppose their introduction into the original frame of the bill. If, however, they should appear upon future consideration to be necessary, it would be competent to the hon. gent. to propose them in a future stage, when there would be a better opportunity for discussing them, than on the present occasion; namely, in the shape of a motion for an instruction to the committee to receive such clause. Into the merits of these amendments he would for the present decline to enter at any length. But as to the last point respecting the 5th clause of the act as it stood, he would say, that it would appear to him a breach of common equity, and a most dangerous innovation upon the old constitutional practice, to oblige a man to criminate himself. It was such a proposition as he trusted the house would feel to be at least deserving of too much serious consideration, at once to give a sort of opinion by the adoption of the honourable gentleman's motion that such an amendment was necessary.

Mr. *Fox* entirely concurred with his hon. friend in thinking the insinuation thrown out against the naval commissioners by the right hon. gent. who had just sat down, a most extraordinary circumstance indeed, particularly when the time at which the right hon. gent. expressed his disapprobation was taken into view. If the ground of this disapprobation was of a serious and important nature, it was highly inconsistent in him to bring forward the motion before the house. For if the commissioners were deserving of such censure, how could the right hon. gent. reconcile it with a just sense of public duty, to propose the continuance of their power? But if, on the contrary, the grounds of the right hon. gent.'s disapprobation were of a trifling or comparatively unimportant nature, how strange was the opportunity chosen for declaring it! There was something peculiarly remarkable in the conduct of the right hon. gent. respecting this commission. At such a time, what could he mean by alluding to trivial errors—

> Just hint a fault and hesitate dislike,
> Anxious to wound, and yet afraid to strike.

Those two lines appeared to be quite appropriate to express the disposition of the right hon. gent., they seemed to be made for him. With respect to the proposition of his hon. friend, gentlemen would consider that the adoption of it would not go to bind the house to any subsidiary amendments that might be hereafter submitted. He merely proposed that as an amendment was obviously necessary in this act, that the original title of the bill should correspond with the desired object. If the amendments recommended by his hon. friend were calculated to entrench on the great and fundamental principles of common law, he would not, from any degree of regard or gratitude to the commissioners of naval enquiry, and no man respected them more than he did, be induced to assent to their adoption. He wished not that any man should be bound to criminate himself; but, in any act which had for its object to compel public officers to account for their conduct of the public money, he was very unwilling that a clause should exist, calculated to shelter any public officer from rendering such account, if he chose to decline it. At least, any officer who should avail himself of such a clause, and thus explicitly declare an apprehension of the discovery of his guilt, ought not to be allowed, for one moment afterwards, to retain his office. The case was different with respect to private individuals. But, when the public thought proper to appoint a commission to enquire into the conduct of its stewards or agents, was it to be borne that any one of such servants should refuse to answer the questions of such a commission; but, still more, was it tolerable that after such refusal he should remain in office? If a public officer were innocent, why should he wish to be silent, and, if he were guilty, why should the legislature protect him in his silence? He did not mean of course that any officer should be forced to furnish grounds of prosecution against himself, but that, if he persisted in that conduct which clearly implied a consciousness of delinquency, he should be dismissed from office. Gentlemen often appeared to forget the nature of these commissions. They were in fact, to be considered as the representatives of the public, examining the conduct of public servants. If a master were to appoint any person to enquire into the affairs of his family, and a servant were to refuse to answer such questions as might be put to him, from a fear of criminating himself, would such a servant be permitted to retain his place? Certainly not. Why, then, should a treasurer of the navy, or his clerk, or any other public servant, however high, be allowed to remain in office after refusing to answer to the agent of their master for the manner in which they had managed his concerns, particularly when their refusal betrayed a sense of guilt? Whether public officers should be compellable to answer such commissions or not, it ought, surely, in common sense and equity, be understood that a refusal to answer should be immediately followed by dismissal. If that were understood, then the refusal of the 5th clause would not be so essentially necessary, although still a provision to meet such a case as that of Mark Sprott would be called for. That person declined to answer, on the ground that he was not, being no public officer, compellable to answer questions under the act. So he was advised by the lawyers whom he consulted. Perhaps those lawyers were right, but whether or not, it was proper to extend and explain the powers of the commissioners so as to leave no room for doubt or cavil, and to enable them fully to execute the purpose of their appointment. The hon. member repeated, that it was desirable to be understood that such a commission as that under consideration was not to be viewed by public officers as a hostile court of enquiry, but as a representative of the public, to which they are as much obliged to account, as any servants are to the enquiry of their masters.

The *Attorney-General* opposed the amendment. If it were adopted, he would put it to the consideration of the house how the bill was to be framed agreeable to its title, unless there was a private communication between the hon. gent. and his right hon. friend before the bill should be drawn up, and that the objections existing in the mind of his right hon. friend against those amendments should be removed. If the objections prevailing against those amendments, which objections he himself felt strongly, should not be done away by future discussion, the house, if the amendment now proposed were acceded to, might be placed in the dilemma of having prefixed a title to a bill, with which the bill itself may prove to be inconsistent. It was manifest to him that it would be much better to postpone the adoption of a title to the bill, which would imply an alteration of the existing act, until that change itself should be determined on.

Mr. *Sheridan* supported the amendment, and observed, that although he agreed with the right hon. gent. that this was not the proper stage for going into detail or discussion upon the nature of such amendments as might be necessary, yet he agreed with his hon. friend, that some amendments for the purpose of enlarging the powers of the board of naval enquiry were necessary, from the embarrassing impediments those commissioners had already experienced in the course of their proceedings. The right hon. gent.'s leading objections were directed against the suggestions of his hon. friend (Mr. Whitbread), for enabling the board to enforce answers to such interrogatories as they should deem necessary, from the witnesses brought before them, without having the objects of their enquiry defeated by pretences that those persons were not bound to answer interrogatories, tending to their own crimination. His hon. friend never meant, he was confident, to expose any man to the severity of criminal proceedings, in consequence of any testimony extorted from him by the authority of the commissioners; and the law of the land would protect him in such a case. The house, certainly, in appointing the board of commissioners for the purpose of naval enquiry, did not surrender any of its own privileges; neither did he conceive the house to have warranted any individual to direct his censures against the conduct of those commissioners which it had so highly approved: and before the right hon. gent. proceeded to direct such heavy censures against that board, it was incumbent upon him to have pointed out those parts of their conduct which called for his reprobation. He had himself given notice of an intention to move for the thanks of that house to the commissioners of naval enquiry, for that conduct which had already excited the universal gratitude of the country without doors; and when he should have the honour of bringing that motion forward in a day or two, he should hope, if not for the concurrence of the right hon. gent., at least for some explanation of those parts of the conduct of the commissioners, which he had taken so untimely and unqualified an occasion to censure. The commissioners of enquiry had complained that their powers were defective, inasmuch as they had no power to enforce the answers to which his hon. friend alluded; and the right hon. gent. was all alarm, lest public officers should be placed in the liability of criminating their conduct, by telling the truth. It did not appear however, from the existing state of things, that self-crimination was much the order of the day. But he would beg leave to ask the right hon. gent. if he was always so much alive to constitutional feelings on this point? or whether he had forgotten the bill introduced by himself into that house in 1785, for the express purpose of enquiring into abuses which had obtained in the fees of the public offices of government, by which bill, the commissioners appointed under it were invested with such powers as completely stripped all persons brought before them of those rights now so warmly and pertinaciously contended for by the right hon. gent.? Did the right hon.' gent. on that occasion plead Magna Charta in support of his arguments, when he gave the most decided resistance to the admission of a clause moved by him (Mr. Sheridan), for the protection of persons aginst the extortion of answers tending to their own crimination? Did the right hon. gent. forget that the identical Mr. Trotter, of whose rights he was now so jealous, was, under the former bill, compelled to answer interrogatories similar to those which he had refused answering to the commissioners of naval enquiry? which circumstance is alluded to in the appendix to the tenth report. So far, however, from agreeing with the unqualified censures thrown by the right hon. gent. upon the commissioners of naval enquiry, he thought the house was bound to them by every sentiment of the most unlimited gratitude; and when he should have the honour of calling for the expression of that gratitude, by a motion of thanks, he should frame his motion, so as either to make it impossible for the right hon. gent. to dissent from him, or compel him to shew some reasonable cause for his dissent. He agreed with the right hon. and learned gent. that there was no very great likelihood of frequent or confidential intercourse between his hon. friend (Mr. Whitbread), and the right hon. gent. who introduced the original motion. If, however, the right hon. gent. wished to have any suggestion as to the amendments which were deemed necessary in the bill, as by courtesy of the house he had the nomination of the committee to prepare and bring it in, perhaps he would act wisely in nominating on that committee his hon. friend, and some of those near him.

Mr. *Rose* perfectly coincided with the motives of his right hon. friend, in opposing the amendment; though he had been a decided friend to enquiries of this kind, ever since he had the honour of a seat in parliament—[a laugh]. Gentlemen might laugh if they pleased, but he would boldly look them in the face, and say, without fear of refutation, that there was not amongst them one who was more disposed than he had ever been to the strictest economy in every branch of the public expenditure. He well remembered the bill alluded to, and how warmly it was opposed, as well by an hon. member unfortunately no more, as by the last and preceding hon. members who spoke, but who were this night such strenuous advocates for opposite principles. It was felt on that occasion, that it would be necessary to examine many public officers long in the habit of taking large sums of the public money, and who would never be induced to answer interrogatories, if not compelled to it. It was then objected from the other side of the house, that it was unconstitutional to force men to answers that would criminate themselves, and expose them to prosecutions, and that a particular clause was necessary to guard against such consequences; but the introduction of such a clause was resisted by his right hon. friend, upon the ground that the law of the land gave ample protection in such cases, and rendered such a clause wholly needless.

Mr. *Bankes* supported the amendment, because it was obvious, from the complaints of the naval commissioners, that their powers were defective, and their enquiries, therefore, in many instances, inefficient; but this defect might not arise from any imperfection in the act itself, or in its construction by the commissioners. If, upon due investigation in the proper stage of discussing the bill, an amendment should appear necessary, he should support it.

The *Chancellor of the Exchequer*, in answer to what had fallen from Mr. Sheridan, respecting his bill of 1785, said, if hon. gentlemen would take the trouble of referring to the bill itself, they would find it contained no one of the obnoxious or unconstitutional principles which the hon. member had thought fit to impute to it.—The question was then put on Mr. Whitbread's amendment, and negatived without a division; and the original motion for leave to bring in the bill was carried.

[Military Commissioners' Bill.] The *Chancellor of the Exchequer* rose for the purpose of moving, that leave be given to bring in a bill appointing commissioners to examine into the public expenditure of the departments therein mentioned, and to report such observations as might enable the legislature to correct and prevent irregularities at present existing in such departments, and to adopt a better mode of conducting them for the future. He said, that as he had stated on a former night the objects of his motion, it would not now be necessary to explain them very minutely. They would chiefly comprehend the great branches of the military administration: the offices of barracks and ordnance, the commissariat and the quarter-master-general's departments. There were several other objects to which he wished this commission to extend. By a bill passed some years ago, the inspection of the public accounts was taken from the auditors of imprest, and vested in a commission; however well that commission had fulfilled its duty, yet, from the length of the war, and the great increase of public business, it was impossible to avoid large arrears, an evil which could not be avoided, unless by appointing a fresh commission to assist in bringing up the accounts. This was one object; another was to examine into the expenditure of the public money in the West Indies, to take measures for recovering what was due, and for preventing the recurrence of abuses in future, all which was now before the board of treasury. Having thus briefly stated the outlines of his plan, the right hon. gent. expressed his readiness to listen to any suggestions that might be made to him for the purpose of rendering the operations of it more effectual. The result of such a commission must be, that the public would have the satisfaction of being assured, either that no abuses existed in these departments, or if they unfortunately did exist, that measures would be taken to correct them.

Mr. *J. Fitzgerald* enquired whether the operation of the bill was meant to extend to Ireland?

The *Chancellor of the Exchequer* replied, that would be a subject of future discussion.

Mr. *Ellison* asked if the war-office was to be included?

The *Chancellor of the Exchequer* answered in the affirmative.

Sir *John Newport* wished to know, whether or not the commissariat of Ireland was to be subject to investigation by this commission, as well as that of Great Britain?

The *Chancellor of the Exchequer* could give no positive answer. He was not sure whether the same commission would serve for both countries or not. Ireland might, perhaps, require a distinct commission.

Mr. *J. Fitzgerald* desired to be informed, whether or not it was to be understood that a distinct commission was to superintend the military department of Ireland?

The *Chancellor of the Exchequer* entertained some doubts if the same committee could undertake the management of both Great Britain and Ireland; local knowledge might, perhaps, be necessary; but on this subject he had not made up his mind.

Sir *John Newport* pressed for a more explicit answer to the question of his hon. friend.

Mr. *Pitt* said, he had not yet made up his mind on that part of the subject.

Mr. *Fox*, notwithstanding the plausible professions under which the right hon. gent. brought forward this bill, had no hesitation in declaring his decided opinion, that any bill of this sort brought into parliament, for the specious purpose of investigating abuses in the public expenditure, by persons who were themselves the friends and colleagues of delinquents, gave him no hopes whatever that such enquiries were serious. That such persons should be the institutors of enquiry, and the nominators of the committees by whom such enquiries were to be carried on, was a circumstance which the house must regard at least with considerable suspicion. With respect to the personal delicacy of any man, acting under such circumstances as those in which the right hon. gent. stood, that was certainly his own consideration; but if he (Mr. Fox) was the person closely connected with delinquents, he should feel himself bound, by considerations of personal delicacy, to take special care not to be the man to bring forward such an enquiry, and to name the committee for carrying it on, conscious as he must be of the sentiments such a circumstance must produce in the opinions of all thinking men. The motion for the bill to institute the committee of naval enquiry, on a former occasion, was brought forward by an hon. admiral, who every man must perceive, from the course of that enquiry, and the results it had produced, was serious in his intentions for the detection of delinquents. But he begged to ask, if that bill had been introduced by lord Melville, did any man believe that the house would have had before it Reports, such as those already made by the naval commissioners? He would not now pretend to dive into the feelings and motives of the right hon. gent.; but for his own character's sake he would profess that had he been similarly circumstanced with regard to the persons detected of delinquency, he would not have ventured to come forward for the purpose of naming the committee who were to follow up the investigation; and if ever there was a question upon which the house should be least diposed to compliment the right hon. gent. with the privilege of nominating a committee, the present was undoubtedly that occasion. He approved, however, of what the right hon. gent. said of the objects of this bill. It was much; but there was still a necessity for much more. The navy and the army were undoubtedly two great branches of public expenditure, in which great abuses had unquestionably occurred, but there were still others that as loudly challenged enquiry. Did the right hon. gent. think that enquiry was not full as necessary in the expenditure of the treasury, so much more immediately connected with himself? and upon the same principle, if he were to bring enquiry forward and name the committee, he might as well nominate the lords of the treasury at once to investigate and censure their own delinquencies, if they were guilty. But that those persons whose conduct was the object of enquiry should be permitted to nominate the enquirers, was contrary to every principle of common justice, common decency, and common sense. But let not the right hon. gent. "lay this flattering unction to his soul," that after what had passed in that house, after the enormities that had already been dragged to light, the public would be satisfied with the appointment of a commission by himself, to enquire into those branches of the public service with which he himself was immediately connected. If he entertained this hope, he was convinced that he would find himself very seriously mistaken.

Lord *Castlereagh* rose, with much warmth, to vindicate the conduct of his right hon. friend (Mr. Pitt), whose individual purity not only placed him far above the unwarrantable imputation of the hon. gent., but justly attached to him the esteem and confidence of the country. The personal purity of his right hon. friend rendered his character such as any country might be proud of, and the spotless integrity he had maintained during perhaps the longest political life ever enjoyed by any prime minister of this country, marked him out as the very individual by whom the country would most wish such a committee to be nominated. He called on the house to repel with indignation any imputation on their honour, let it come from what quarter it might. Would they endure to be told, that they were willing to subject themselves to the authority of any individual, however pure his character, however high he might stand in their estimation, from the experience of many years during a period as critical and important as ever occurred in the annals of the world? As to observations on the intended regulations of the bill, it would be more proper to defer them till the bill was actually before the house itself.

Mr. *Fox* explained, by saying, he had not imputed to the right hon. gent. any such direct influence as to say he could dictate the choice of a committee. He only meant that there was generally a sort of courtesy observable in the house, on most occasions, to indulge the inclinations of the right hon. gent.

Mr. *Grey* admired the dignified zeal with which the noble lord asserted the *individual purity* of his right hon. friend; and yet he begged leave to remind the noble lord, that more flagrant corruption had prevailed in the country during the period that right hon. gent. had been at the head of the government, than during any other period in our history. He (Mr. Grey) well recollected, that the noble lord himself had taken fire in a similar manner, when his own *individual purity* was called in question by a right hon. gent. who was now one of his colleagues (Mr. Foster). The noble lord indignantly repelled the insinuation of corruption brought against his own government, and concluded by an high-fraught panegyric on the spotless purity of the Irish house of commons! His right hon. friend, however, answered, "the noble lord mistakes me—I have urged no insinuation; but I directly charge, that there was a gross and corrupt profusion of the public money perverted to procure votes in the Irish parliament in favour of the union; and I charge the noble lord, then at the head of administration in Ireland, with being the proposer, chief manager, and principal instrument in carrying that measure." The noble lord, however, sat silent, and did not think proper to venture on a reply.—The hon. gent. concluded by observing, that after what had passed with respect to abuses in the naval department, there was well founded suspicion, at least, that similar abuses were prevalent in other departments also. The expectations of the people were now raised, and they looked up for investigation. If it was earnestly and honestly followed, the people would be satisfied, but if merely carried on for the purposes of deception, and the protection of delinquents, the natural result would be dissatisfaction and discontent in every quarter of the realm.—The question was now put, and leave given to bring in the bill.

[Proceedings respecting Lord Melville and Mr. Trotter.] Mr. *Spencer Stanhope* rose, and said that he felt it necessary to have the matter of charge contained in the tenth report of the commissioners of naval enquiry put in a course of investigation. The charges which it made were very serious, and should be proceeded on with decision and dispatch. Though he was convinced that lord Melville was not guilty of participating the gains of malversation of public money, yet he should not attempt to screen the noble lord, or throw dust in the eyes of the public on the present occasion, but he thought it improper to have condemned the noble lord before he was heard; in saying so, however, he did not mean to question the decision of parliament, which found the noble lord guilty of having violated the law; but he could not refrain from saying, that he abhorred the barbarous mode of first cutting off a man's head, and trying afterwards whether he was guilty. He was of opinion that the most eligible mode of proceeding would be, to have a civil process instituted against the noble lord and Mr. Trotter in the court of exchequer, in order to have restitution made to the public. Should it turn out, in the course of the proceeding, that the noble viscount was in a corrupt league with Trotter, he trusted, then, that the house would proceed by impeachment; but he again repeated his conviction that this was not the case. He concluded with moving, "that the attorney general be directed to take such measures as may appear most effectual in ascertaining and securing, by a due course of law, such sums as may be due to the public by lord Melville and Mr. Trotter, in respect to the profits araising from money applicable to the service of the navy, which came into their hands subsequent to the 1st of January, 1786."

Sir *Robert Buxton* seconded the motion, and said, that illness prevented him from being in the house on the first night of discussing the subject of the tenth report; had he been able to attend, he should certainly have voted in the majority, on the ground of the noble lord's having violated an act of parliament.

Mr. *Bankes* regretted that the motion was brought forward this night, because he did not think that it would satisfy the public, or answer the ends of public justice. No man had a higher respect for the courts of law than he entertained, and he hoped that the matter might some time or other come before one of those ancient tribunals, where no prejudice existed, and from which, consequently, a fair and just decision should be anticipated; but he wished the house to consider at present, before it parted with the business, or sent it to the court of exchequer, what would be the result. This might be easily inferred, considering that the person or persons to be examined might demur, and thus defeat the end of substantial justice: besides, the intricacy and mixture of the different accounts, and the difficulty of distinguishing the items of each, threw difficulties almost insurmountable in the way of accomplishing the object to be attained. He was decidedly in favour of a committee with enlarged powers; but as this did not seem likely to be attained, he thought that the magnitude of the subject, and the satisfaction of the public, made it necessary to move generally, that the attorney-general be directed to prosecute the noble lord and Mr. Trotter. He should therefore propose as an amendment, that all the words after "lord Melville and Mr. Trotter" be left out, and these words be inserted, "and that the attorney-general be directed to prosecute the said lord Melville and Mr. Trotter for the said offences."—On the question being put,

Mr. *Windham* considered it perfectly clear, that the best way of proceeding would have been to have referred the whole matter to a select committee, who could have taken the opinion of the law officers in what manner the suit ought to be brought with the best chance of succeeding in its object. They would have been able to ascertain whether there existed evidence sufficient either to support a civil action, or a criminal prosecution. Since that course was not taken, and the alternative lay merely between the civil action and the criminal prosecution, he should give his vote for the latter.

The *Master of the Rolls* observed, that every thing on which a civil suit could proceed had been already settled by the vote of the house. What were the reasons urged by gentlemen on the other side of the house for the adoption of the resolutions of the 8th instant, in opposition to the wish of his right hon. friend, that the whole business should be referred to a committee? Because they asserted nothing could be done in the committee. It was impossible to change their opinion of the transaction, as it was impossible to do away the effects of lord Melville's confession of an infringement of the law, and the proofs of Mr. Trotter's speculating with the public money. If so, if this were true; how could a committee find out better grounds for prosecution than what existed? If parts of the subject were referred to a court of law, it would be highly improper that the same topics at the same time should be under the consideration of a committee of the house. It would be better to postpone a reference to law without abandoning it altogether. An hon. gent. had proposed an amendment to the original motion for a civil suit, in which he had moved for a criminal prosecution! and that to ascertain whether or not lord Melville received any profits from the use of the public money. If he did, they ought to be the object of a civil suit. Besides there was no better chance of obtaining that information in a criminal court than in a civil one. Evidence must be produced in both, and evidence would prove it in either. The resolutions of the house contained a censure on lord Melville's conduct. His resignation which was in consequence of those resolutions, was in fact a substantial punishment inflicted by the house. After these grave resolutions, it would be hazardous to send the affair into a court of law. The conviction could not be answered for, nor the sentence on conviction. It would be impossible, he believed, to prove any actual participation in pecuniary advantages, and the legal punishment might not accord exactly with the idea the house entertained of the heinousness of the offence.

Dr. *Laurence* contended, that the resolutions of the house only went to one branch of the charge, namely, the violation of the law, which had been admitted, and could not preclude an enquiry into the participation in the peculation, which was punishable, both in a civil and criminal point of view.

Sir J. *Newport* expressed his preference of a committee with extensive powers, to a committee with limited powers, and contended that such a committee should make a general enquiry and refer certain points for prosecution. As however this was not to be done, he certainly preferred a criminal prosecution to a civil one. In his estimation, the satisfaction of public justice was of infinitely more consequence than the regaining of a paltry sum of money.

Mr. *Pytches* said he thought that if the shameful conduct of this great delinquent were screened, men would soon become ashamed of speaking against corruption. He severely censured the conduct of the last administration of the right hon. gent. opposite, and spoke with much warmth in favour of a criminal proceeding.

Mr. *Fox* said, he had but a word or two to offer on the present question. Gentlemen had alluded to several modes of proceeding, in order to meet the intentions of the house, and the expectations of the country. Some, it appeared, were for a civil, others, for a criminal prosecution: others again, would prefer the mode of impeachment. His object was, to see lord Melville prosecuted and punished one way or the other. As the case now stood, the noble lord was not punished in any degree at all. If the present question, or the amendment moved upon it, or an impeachment, went nearer the accomplishment of their object, he should vote for it. He had no other anxiety, than to see adopted the speediest mode of obtaining redress for his constituents.

Mr. *S. Stanhope* in explanation, said, that lord Melville had already been sufficiently punished, unless he was convicted of wilful participation in the illicit profits.

Mr. *T. Grenville* felt no very strong motives of preference for a criminal rather than a civil prosecution. He feared that either would be found inadequate for the discovery of a corrupt participation on the part of lord Melville. But as he now had no other choice, he should vote for the amendment, as it seemed somewhat more closely to follow up the spirit and intention of the resolutions which the house had already adopted. This was more his object than a vain attempt to recover the money.

Should the house adopt no other measures than those now proposed in furtherance of their resolutions, they would but ill answer the expectations which the country had conceived from the resolutions. By these the house had pronounced that lord Melville had been guilty of a flagrant breach of the law, and of an evident dereliction of duty; and was no legal punishment to follow such a proved and acknowledged offence? As to an impeachment, little could be expected from it. The public justice of the country might be better satisfied, perhaps, by a criminal prosecution, and in that view of it, he should vote for that mode of proceeding.

Mr. *Sheridan* said, there were two modes proposed; one for a civil suit, and the other for a criminal process. The gent. who proposed the former said, he did not think lord Melville had participated in the slightest degree in the emoluments of Mr. Trotter. He would ask, why then did he move that a civil action should be instituted against him? Surely, every person must see that such a motion was absolutely useless, that it must be worse than useless in the opinion of the gentleman who made the motion; as, though he was convinced lord Melville did not participate in the profits of Mr. Trotter, he made this motion, it is to be supposed, to prevent those on the other side from instituting more effectual proceedings. The house was now driven to make a choice of the two measures, and, something like a grand jury who had not found a bill, they were about to proceed for the recovery of the money, assuming every thing which ought first to be precisely ascertained. The house were turning their backs upon that of which they had proof, namely, the violation of the law, and they were sending the participation, of which they had no proof, before a jury.

Mr. *Wilberforce* said, that the hon. gent. who had made the present motion, did not seem to have attended to the circumstances of the case. For that hon. gent. he entertained the highest respect, but he could not think that his motion was calculated to produce any good effect. The subject of the motion was one, on which there was no proof, and in the success of which, their own professional men did not hold out to them any very flattering hopes. What man could seriously listen to the recommendation, who would not almost smile at the right hon. and learned gent. in contending that a civil prosecution was the only remedy, and yet at the same time confessing that they would not answer for the success of it. He sincerely regretted that the powers of the committee had been restricted. On the investigations there to be made, the public might have relied for success. Any other mode must be open to disappointments, inconvenience, and delay. The attention of the public was fixed on the proceedings of the house, and of the courts of judicature, to which they should resort for justice and punishment of the offenders. He was averse from allowing the possibility of the ends of justice being defeated, or that any disappointment should flow from such a quarter; that the public should find that they were so short-sighted, ignorant, and improvident as to the decision which must follow. It was their duty; they were called on to preserve the good opinion of the public in the course of law of the kingdom; and, so far as in them lay, not to allow the public mind to relax in any share of that love, confidence, and affection in their proceedings which we knew at present existed. Here a great public delinquent had been proclaimed to the country. His offence had even been in part acknowledged: but when parliament carried him into a court of law, nothing could be made of him! He approved of the observation of the hon. bart. (sir John Newport). It was not money which that house and the country sought for in this instance; it was for the adoption of that proceeding which should best consult the dignity and honour of parliament, and of the nation. His hon. friend (Mr. Bankes) had said, that the adopting of the one mode of proceeding in the criminal court, would not preclude them from their civil suit. In this he agreed with his hon. friend. He had not contended, as the hon. and learned gent. (the master of the rolls) seemed to imagine, that they would avail themselves of both proceedings. That he understood not to be the meaning of his hon. friend; but only that if one failed they might then recur to the other. If in the criminal action they felt embarrassed, they might be entitled in the civil action to attempt something like compelling restoration. It was of the utmost importance for parliament to take care that they did not go to demand the opinion of a court of judicature in that part of their case in which there was a chance of failure. He was a great friend to judicial proceeding, and he wished the people in general to be so. He confessed he had had no doubts, although the spirit of the law was unquestionably with them, whether it was equally clear that the letter of the law was so too.— None of those gentlemen, however, who were better qualified than he pretended to be to judge on that subject, having started any doubt on the subject, he should hope there was on that point no risk of failure. Failure was at this moment greatly to be deprecated. It was not against the courts of law alone that the obloquy would attach. Parliament would also come in for its share. He was not anxious for popularity, he was solely solicitous to preserve unbroken, those bonds of esteem, affection, and confidence, which he hoped would always continue to subsist between the people of this country and parliament. He therefore, as the best measure which now remained to be adopted, gave the amendment his cordial support.

The *Chancellor of the Exchequer.*—I think I am warranted in saying that the mode proposed by the hon. gent. (Mr. S. Stanhope), is that which was approved by a great majority of the house. The question then is, whether we shall wave it, and substitute one which the gentlemen themselves, who have brought it forward, say is liable to some objection? The observation made respecting the powers of the committee does not appear to me to be founded in fact. The question of enlarging its powers did not affect the particular case of lord Melville. The doubt arising upon that subject was whether the powers of the committee were sufficiently wide, and embraced every other proper object of enquiry, exclusive of the particular case referred to a court of law? That, however, is not the question now. The question now is which of the two modes is preferable? and I contend that the civil bill is better calculated to obtain the object than the criminal process. After having inflicted so heavy a wound upon lord Melville, as that which his lordship had already suffered, he did not understand that the house wished to follow it up in a penal way, unless satisfied of his lordship's participation in the profits. With a consciousness to that effect, I thought the house would be content with an assurance that his lordship was not to return to his majesty's councils. I think, then, that the house ought not to go those lengths which they declined at first without a further aggravation of his lordship's offence. With this feeling, therefore, I shall vote for the original motion.

Mr. *Whitbread.*—The right hon. gent., who has just sat down, argues as if the house had decided that they would proceed by civil suit. That, however, is not the case. He has indulged in much sarcasm against me on account of the course of my proceedings. Sir, I say, that in what I have done, I have proceeded with deliberation, and I am not sorry for any step I have taken. I wish to proceed in both ways. I mean after the house had declared itself upon that part of the charge which is indisputable, I wished for a committee to ascertain every thing else connected with the subject. The house has decided upon the violation of the law, but not upon the participation of viscount Melville in the profits. Now what says the right hon. gent. (Mr. Pitt)? He advises us to try a civil suit for the participation, while the law officers of the crown admitted it had little chance of success. I therefore wish for a mode by which effectual justice may be done, and that is a committee of the whole house. That a great wound has been inflicted upon my lord Melville by the discovery, I admit; but is that a punishment? When a grand jury finds a bill, is that a punishment for the offence charged, and is the case not to be sent for trial to a petty jury? I admit that the vote of the house compelled the resignation of lord Melville; but there is a great deal of difference between that resignation and his dismissal. The people should have seen and known that he was dismissed. The effect ought to have been plain and palpable to the understanding of every man. If a civil suit were to discover that the money was picked out of the pocket of the public, would that be punishment, unless followed by restitution? I admit I might have the committee, and the right hon. gent. said he would not oppose it; but to obtain his concurrence, I must have abandoned the particular case in question, and acquiesced in an attempt to cloak and screen lord Melville, and that I did not choose to do. The criminal proceeding is, I am sure, the best calculated to obtain the ends of justice, and I shall accordingly vote for it.

The *Attorney-General* wished to offer a word or two in explanation of the opinion imputed to him. He never asserted that the mode now proposed would wholly or necessarily fail of effect; he only said that great difficulties might arise to obstruct the end it attempted to accomplish. If it was the object of the mover to obtain pecuniary redress for the public, the court of King's Bench might not be able to grant that redress. It could not grant it unless evidence was adduced of the distinct amount of lord Melville's participation in the illegal profits. Otherwise an enormous fine might be attempted to be imposed upon him, which the court would not be able to make out. Better hopes of the recovery of the money for the public might be entertained, therefore, from a civil than a criminal prosecution, and from that persuasion he should vote for the adoption of the former.

Mr. *Tierney.*—I cannot agree in the scanty and restricted powers which some honourable and learned gentlemen will only allow to this house. I always thought, that by the spirit of the constitution it possessed stronger inquisitorial powers than any other tribunal in the country. The right hon. gent. (Mr. Pitt) would have it understood, that the house does not wish to proceed to any more punishment against lord Melville; but I contend, on the contrary, that the house has not shewn any disposition to stop here. We have voted that lord Melville has violated the law, for private emolument. What then is the next question? Why give us the money back again, and we have done with you? But how are we to get the money? The attorney-general gives very little hope of the mode proposed; and therefore I approve of a committee of the whole house as the best mode of getting at the crime, the punishment, and pecuniary redress. I feel it an unpleasant task to rise for the purpose of defending the dignity of the house. The house may not waste its time upon persons of inferior note; but I contend that there is no precedent of a minister, high in the king's councils for many years, breaking the law, and suspected of a corrupt motive in doing so, being handed over to the attorney-general. I am confident there is no case nor precedent of the kind. I disclaim a vindictive spirit towards viscount Melville, and assert, that my conduct yields to no influence, except a sincere regard for the honour of the house of commons. I think, therefore, that the house cannot stop here, but, that it must call for some punishment. The plain question is, whether the house thinks that enough has been done? If they think enough has been done, they will vote for a civil process, in concert with the right hon. gent. (Mr. Pitt). If they think the public expect that punishment should follow guilt, they will adopt the criminal proceeding. With regard to the questions referred to the committee, namely, how far the right hon. gent., as first lord of the treasury, may be concerned, and two or three others, they are only so many episodes, while the main story out of which they arise, is not to be touched. I lament that we are driven to this course; but I think our character and our duty to the public require that we should send viscount Melville to that tribunal where justice may inflict punishment wherever convicted guilt deserves it.

Mr. Serjeant *Best* challenged any law officer of the crown to state, that any good was likely to result from the mode they supported. The books and papers of third parties could not be called for. All that was wanted could be got by a criminal prosecution. If a man was not pronounced guilty who refused to answer a question, still no jury would be found to declare him innocent who was a self-convicted violator of the law. The wound inflicted was not much in point of fortune, considering the places the noble lord still retained. It must then be sought in his character. But if it was there, it was strange indeed that, with such a wounded character, he should remain a private counsellor of his sovereign. The house then divided on the question, "that the words proposed to be left out stand part of this question," Ayes 223, Noes 128, majority 95. The amendment was of course rejected, and the original motion carried.

Mr. *Fox* then moved, "that the house do now adjourn;" and on this question there was another division, Ayes 98, Noes 240, majority 142.—While strangers were excluded, the report of the committee appointed to examine the lists given in on the ballot for the select committee was brought up. On reading the report, it appeared that the names of the members chosen for the committee corresponded exactly with those in the list read on Friday by Mr. Whitbread.

Mr. *Whitbread* then stated, that it was his intention to move that some of the names on this list should be expunged; but as that motion would probably occasion some debate, he proposed that its consideration should be adjourned until the next meeting of the house.—Adjourned.

HOUSE OF LORDS.

Tuesday, April 30.

[MINUTES.] Their lordships proceeded further in the Appeal, Blane, esq. Trustee for sir Andrew Cathcart, against the earl of Cassilis. Mr. H. Erskine was heard in continuation on the part of the respondent, after which the further consideration was postponed till Thursday.—Several private bills were brought from the commons, and read a first time.—Mr. Owen, from the East India house, presented certain accounts pursuant to act of parliament, which were ordered to lie on the table.—The order of the day being moved for the second reading of the bill for dissolving the marriage of John Moore, esq. and Barbara Brabazon, his late wife, and for enabling him to marry again. Mr. Adam was heard as counsel for the petitioner. It appeared that there was an inaccuracy in the recital of one of the clauses of the bill, and on that account the party obtained leave to withdraw it, for the purpose of introducing a new one. The hearing of counsel was then postponed to Thursday next.—Adjourned.

HOUSE OF COMMONS.

Tuesday, April 30.

[MINUTES.] The Thames Tunnel bill was read a second time, and was ordered to be committed.—Mr. Lee obtained leave to bring in a bill to supply cities and market towns in Ireland with water.—The secretary at war presented an estimate of the expences of volunteer and yeomanry corps, which he gave notice, would be referred to the committee of Supply on Friday next; in which committee Mr. Pitt also gave notice, that he would move the army extraordinaries.--Mr. J. Fitzgerald called the attention of the house to an extraordinary construction (the arrest of judge Johnson) which had been put upon the act made for the purpose of arresting felons and traitors in any other part of the united kingdom. He was proceeding to comment with severity on this construction, when the Speaker informed him it was not regular to enter fully into observations of this nature, but that he should simply give notice of the measure he intended to bring forward. The attorney general said that it was still his intention to move for an amendment of the law alluded to; but he did not think right to do so, while discussions were pending in the Irish courts of law on the true construction of it with respect to that country.—Sir Andrew S. Hamond, pursuant to notice, moved, "that there be laid before the house a copy of the letter of the navy board to the admiralty, dated the 5th of April 1805, together with a copy of the memorial inclosed, relating to the answer of the navy board to the first report of the commissioners of naval enquiry." Sir Charles Pole did not mean to object to the motion, but to say, that he hoped, by the papers it would appear that the navy board had recovered the money said to have been lost in that report. Two years had already elapsed since the report had been made. Sir A. S. Hamond replied, that no time had been lost by the navy board. They had put the matter into the hands of the law officers of the crown. The papers were then ordered; and were immediately after presented by Mr. Dickinson, and ordered to lie on the table and to be printed.—A petition of the proprietors of the Croydon canal, was presented to the house, and read; noticing the bill for supplying the inhabitants of Camberwell, and parts of St. Mary's, Lambeth, and several other parishes and places in Surry and Kent, with water; and setting forth, that, by an act of the 41st of his majesty, the petitioners were invested with full powers for supplying the towns of Croydon, Streatham, &c. with water from the said canal, and that the powers proposed to be obtained by the said bill will materially injure the rights and interests of the petitioners under the said act; and therefore praying, &c. Ordered, that the said petition be referred to the committee to whom the said bill is committed; &c.

[MIDDLESEX ELECTION.] Mr. *Henry Thornton*, pursuant to his notice yesterday, rose to move for the discharge of the order for taking into consideration the petition complaining of the want of qualification of Mr. Mainwaring, on Thursday the 2d of May. There were two ways of getting rid of the petition, either by withdrawing it, or by discharging the order. As those who presented the petition had neglected to withdraw it, and as the time fixed for taking it into consideration was so near, he thought it his duty to submit the motion of which he had given notice; and particularly, as sir Francis Burdett and his friends would not be precluded from being heard touching the charge contained in the petition before the committee to whom the petition and the merits of the election had been referred. It would be contrary to the spirit of the act, that the same matter should be tried before two different committees.

Mr. *Creevey* suggested, that it would be the more proper way to have the consideration of the petition adjourned.

Mr. *Thornton* observed, that when the petition was presented, Mr. Mainwaring was a member of the house, and being so no longer, the house was of course capable of discharging an order which now was useless.

Mr. *Creevey* considered the point in question to be a new one, and said he should take it as a favour if the hon. gent. would defer his motion till to-morrow.

The *Speaker* said the proceedings in the affair amounted to this: the petition was presented against a member on the ground of disqualification. That member had been dispossessed of his seat, in consequence of another petition, and therefore the petition did not apply. The only question therefore was, whether the house had the power of disembarrassing itself from it?

Mr. *Thornton* said the petition was perfectly useless, as the house could not proceed upon it.

Mr. *P. Moore* said the petition looked to an eventual circumstance, and might therefore be applicable at another time, and he was commissioned by the parties who signed it to say, that deeming Mr. Mainwaring disqualified, they wished their petition to go collaterally with another, which was still depending.

Mr. *Thornton* replied, that should that be the case, sir Francis Burdett's friends would still have a right to be heard before a committee.—The order of the day was then discharged.

[Pancras Poor Bill.] Sir *T. Metcalf* moved the second reading of the Pancras Poor bill, which, he observed, was for the purpose of remedying the defects in the act passed last session. If any objections were made to any parts of the bill, these, he observed, could be rectified when it was referred to a committee. His object was to place the parish of St. Pancras on the same footing as the parish of St. George, Hanover-square, that noblemen and gentlemen should be included among those who conducted the parish concerns.

Mr. *Calcraft* and Mr. *P. Moore* pronounced the bill a mere job, which was abandoned by the members of the county, by whom it was brought in, as it was against the general wish of the parishioners. They also objected to the bill on the grounds that the directors appointed their successors, and even the auditors of their own accounts; and it was a mere job, that ought not to be countenanced by the house of commons. Very great malversation had occurred, which was to come the ensuing term before the King's Bench; and therefore the house, they had no doubt, would not entertain the present bill.—The house then divided for the second reading, Ayes 42—Noes 30. The bill was then read a second time, and was ordered to be committed.

[Stipendiary Curates' Bill.] The *Attorney-General*, pursuant to notice, rose for the purpose of moving for leave to bring in a bill for encouraging the residence of Stipendiary Curates on their cures. The bill was the same as one which had already received the sanction of the house, though from its having had, when it passed before, a clause in it for making provisions for such curates as should be deprived of their curacies by the effect of the rectors' residence bill, it had been considered in the other house as a money bill, and on that ground rejected. His learned friend (sir William Scott) who had introduced that bill, had since brought forward another without the exceptionable clauses, but had been prevented, by his professional duties, from attending to its progress. The same cause still prevented him from bringing forward the measure, and in consequence the duty had devolved on him. His object was not to alter the laws as they stand at present with respect to livings under 400*l.* per annum, the bishops having power to enforce a residence; but when the living exceeded that sum, he thought there could be no objection to a clause for obliging the rector to provide a resident clergyman, with a salary of 200*l.* a year. He therefore moved for leave to bring in a bill to encourage the residence of stipendiary curates on their cures.

Sir *John Newport* expressed his hopes that Ireland would not be excluded from the benefit of the act proposed, as there was no other part of the empire where the regular residence of the parochial clergy was more wanted. Those who were apt to complain of the increase of one religion, and the decrease of another, should consider the effect produced in that part of the United Kingdom, by the suspension of those parochial duties.

The *Chancellor of the Exchequer* said he understood that provisions to the effect alluded to would be made in the bill proposed to be brought in by an hon. and learned gent. (Dr. Duigenan).

Mr. *P. Moore* hoped it was meant to make the duty of residence mandatory on the clergy.

Mr. *Creevey* apprehended that the intended provision to curates was rather too limited.

The *Attorney-General* agreed with sir J. Newport, that if there was any soundness of principle in the bill, it applied with equal strength to Ireland as it did to England; but he possessed too little local information respecting that country, to undertake such a measure of himself; and he had heard it argued, on a former occasion, that it would be too hard to compel curates to reside in parishes where no residence was appropriated to them.

Dr. *Duigenan* said, that the bill he had the honour to move for would embrace the objects alluded to by the hon. bart.—Leave was given to bring in the bill.

[Ballot for a Select Committee on the Eleventh Naval Report.] The *Chancellor of the Exchequer* moved the order of the day for reading the report of the committee appointed to examine the lists of twenty-one persons given in for the purpose of constituting a select committee on the tenth naval report. The names were accordingly read, with the number of the votes for each.

Mr. *Whitbread* then rose and said, that the reading of those names which the house had just now heard, completely justified him in the very serious motion which he should have the honour of submitting to them, according to the notice he had given the other day, provided that these names turned out the same as those he himself had formerly read to them. It did so happen that they identically corresponded with each other. This shewed that the reports which had gained ground without doors, as to a list of names having been industriously circulated, for the purpose of composing that important committee, were well founded. The house had already decided, that it was no breach of the orders or customs of the house to circulate such lists; so that that he believed it would be deemed a breach of order in him to say that the treasury were guilty of so doing; and therefore he should endeavour to abstain from so expressing himself; though it was a fact of which he entertained not the smallest doubt. He would appeal to the right hon. gentlemen themselves whether or not they could venture to deny the fact to him. It was a conduct which, no doubt, appeared highly discreditable to them. Let the house recollect in what situation the right hon. gent. opposite (the chancellor of the exchequer) then stood. He (Mr. Pitt) had boldly come forward and taken upon himself a very great responsibility as to the country. Intimately connected with lord Melville, he had appealed to the house and the country as to the purity of his conduct. The right hon. gent. had, by his own account, his hands pure and his character unimpeached; and this assertion he (Mr. W.) was not disposed at that moment to call in question. He could not but observe, however, that a considerable deal of suspicion was created by the manner in which that right hon. gent. had prepared himself to go to trial. The persons who were to judge of his conduct were such as were appointed by himself. This surely was a circumstance not very creditable to that right hon. gent., and, in short, it appeared perfectly ludicrous to see a man stand up and say, "here I am, ready to meet any accusation the house may think proper to bring forward against me, or call me in question from the beginning to the end of my political career. Who are to be my judges? Let them be declared in the face of day; let them be named by ballot." This conduct really appeared like a sham fight, in which that right hon. gent. had marched his troops out beforehand, and had seemed confident of being victorious. Let the house recollect the situation in which the business stood. Lord Melville was a principal object of the tenth report. He has been withdrawn from it, and the right hon. gent. has said, that there was nothing in any one page of that report which in the least impeached his own character. He begged leave to differ from that right hon. gent. and to state, before the appointment of that committee, that he stood under very suspicious circumstances, particularly with regard to the delicate and confidential transactions of government, and the *quietus* that was granted by him to lord Melville, on the case of Mr. Jellicoe disclosed in that report. An acknowledgement had been made by that right hon. gent. that he was actually in the knowledge of such transactions. It was natural to suppose, that the knowledge which he must have had of most of the transactions under the cognizance of lord Melville, would have implicated him in some degree, and required that he should be regularly and openly freed of any suspicion. Now, that lord Melville has been withdrawn, up starts the right hon. gent. and says, "I am the person who is the object of the enquiry." It was particularly necessary to enquire, whether any representations were or were not made to the chancellor of the exchequer with regard to the withdrawing of the money from the bank. Such were the circumstances under which he (Mr. Pitt) had come down most magnanimously to move for a select committee for an enquiry. To whom were the house to confide the investigation of this important question? The right hon. gent. had named, amongst others, three persons who had made oath at the table of the house, that they thought it would be very much to the detriment of public business if they were obliged to attend on election committees. The first person he should mention was lord Castlereagh, who had positively sworn, that he conceived that it would impede his official business if he attended on a committee. The master of the rolls had sworn, that he could not attend on a similar committee, without creating inconvenience to the suitors in the court of chancery. Sir William Scott swore, that it would be attended with difficulty for him to attend, on account of his avocations in the court of admiralty. Now, there were these three persons who were thus disqualified from attending on this select committee, which disqualification was proved by their own depositions on oath, on account of their having occasion to attend to other public business. The oaths which he had mentioned were not taken on a peculiar case, such as the Middlesex committee, requiring their immediate and constant attendance, but it had been their regular practice hitherto. He apprehended that every member appointed upon such an important committee as the present, should be perfectly efficient, and able in every point of view to devote his time and attention to such an important enquiry. Much suspicion was attached to the formation of this committee. He would appeal to the right hon. gent. himself, whether he really wished, or thought it was for his advantage or that of the country, to have such a committee appointed? It was a committee of that right hon. gent.'s recommendation, if not nomination, (a cry of no! no!) He should wish to know if those gentlemen who were crying on this occasion, no, no, were willing to go to proof with him upon the subject. Perhaps he might think of calling some of them as witnesses to prove that the right hon. gent. had circulated these lists among his friends. He should put it again to the right hon. gent. standing, as he had done, in the place of lord Melville, and appearing magnanimous and gallant on the subject, whether it was a proper situation for the first minister of the country to stand in? and whether he himself should appoint the committee intended to investigate his own conduct? He had heard of persons playing at cards naming their own trumps, but the right hon. gent. carried this principle somewhat further, because he was taking upon himself the privilege of naming the whole of his own cards. He meant no personal disrespect to the individuals, but he had great objections to their political connections with the right hon. gent., which he thought, rendered them unfit persons. He thought on such a charge, the right hon. gent. should not have thought of making his own political friends his judges. That might not be the safest way; and the safest way seemed to be refused by the right hon. gent. He, for himself, in such a situation, would not have desired to be tried by his coadjutors, in a case wherein his oldest and steadiest political ally had, as it had been expressed in this very enquiry, become a disgraced and punished political friend and associate. Especially he objected to the noble lord (Castlereagh), whose conduct, for many years, rendered him an unfit person. There was also another noble lord, from the same country, who held an office under the present administration (lord Dunlo). There was a right hon. gent. too in a place of high rank (Mr Foster), and the master of the rolls, and sir W. Scott, who could not attend without public detriment. He had rather, whatever respect he might have for them, see two country gentlemen in their places, though their talents and knowledge of business might be inferior. The noble lord (Castlereagh) was not merely a placeman, but a perpetual placeman. Nothing could move him. He was not to be shaken by political storms and tempests, they only bound him more firmly to his post. That noble lord seemed invulnerable; he laughed at the convulsions of government and parties. Nothing short of an earthquake could shake him. He had been already celebrated for having two strings to his bow, and he kept his bow always strung. He seemed not to have two strings only to his bow, but as many as a certain person was noted for having to his knees. He was in power in the right hon. gent.'s last administration. He performed him some services at the union; after the union leaving Ireland, he came here, and was in place again. That administration went out on a specific public ground, and another came in on a directly opposite principle; but still the noble lord clung to office, and kept in place. That ministry was turned out by the help of his right hon. friend; but then was the noble lord again in power, and now he is in a new coalition. He did not question the purity of his principles, in all those evolutions by which he contrived to maintain his position and keep himself where he was: but would the country think him a proper person to investigate the conduct of his patron? He and his patron, no doubt, deserved each other's friendship, for their mutual services. He would give his lordship credit for manly policy, and gratitude to the right hon. gent.; but though this might be very gratifying in private life, it rather disqualified him for the situation to be allotted him. For what was the committee to examine into? Delicate and secret transactions! The noble lord had been engaged in similar transactions in Ireland already, and his palate may have become vitiated in these matters, and the public and he entertain very different ideas on the uses and abuses of public money. He might refer to some late matters. The noble lord had been charged by the right hon. gent. now sitting beside him (Mr. Foster) with a scandalous misuse of money, in payments to persons in Ireland, to carry the union, and had sat mute. He felt convinced that the right hon. gent. opposite could not, from his usual accuracy, have made the charge, could he not have proved it. It was repeated last night. He would refer the noble lord to his right hon. friend. If he denied it, what if he examined Mr. Foster at the bar? What might not turn out in these "delicate transactions" of lord Melville? Was the noble lord a person fit for that committee? Let the enquiry be ever so severe and honest, the public would not be satisfied with such a committee, after such a charge which he (Mr. W.) offered to prove. He reckoned, therefore, such a motion not extraordinary, after what had happened, though not precedented.—The hon. member then alluded to his own name, and observed, that he would gladly withdraw from such a committee; but if it appeared the general wish for him to remain on it, he should certainly take care to attend to it. Let him, however, be struck off, if any person thought his conduct in this business rancorous; if they considered him a persecutor instead of a prosecutor; or if they could see the folly he was accused of, respecting the alleged changes in the order of his motion. He liked his conduct the better for the censures he received from some persons.—After dwelling with great force on the modes attempted to screen lord Melville, and the limitations of the power of the committee, he maintained, that with the first majority of one, and the minorities since, the people of England, Scotland, and Ireland, went hand in hand, and applauded their justice and spirit. Was all talent gone? Could no independent gentlemen be found to make up a committee for such a purpose as this? He would put it to the gent. of the opposite side, whether they would make this committee a screen, or a stalking-horse? Would they have the public consider it as a cloak to cover lord Melville? He thought he could name a gentleman, even in the place of the Master of the Rolls, though less able, yet whom the country would like better; and this would apply more largely to the other objectionable persons. He could find persons as competent, and possessing more of the faith of the public. Instead of the name of the noble lord, he would propose a gentleman whom he had loved and respected from youth, but whom he had almost constantly opposed in politics, both in and out of that house; with whom he must have sometimes had the heats and even the bitterness of contest—a bitterness of zeal and not of acrimony; one who had given the right hon. gent. an independent support for years. This gentleman he had even within these few months opposed actively in his election to serve in that house, and he did not repent of it: he might do so again. He meant Mr. Baker, of Hertford; a gentleman of talents, and anxiously laborious in every thing relative to public advantage, and commanding every respect from all who knew him. He should therefore conclude by moving, "that the name of lord Castlereagh be struck out, and that of Mr. Baker substituted in its room."

The *Master of the Rolls* said, if it were necessary that every member of a committee should constantly attend the duty, many of those now proposed ought to be excluded; but this was not considered expedient. He had never represented himself as so absorbed in business, that he had no moment and no day which he could devote to this branch of his parliamentary engagements. He had frequently acted in such situations: he was named for one on the civil list; for another of considerable consequence relating to barley grain in Scotland; and he had sufficient time to form his opinion, and to assist in the preparations of the report. He trusted then he was not to be considered as unqualified, and he hoped it was not thought on every frivolous pretence he was disposed to abandon any duty, which it was fit that a member of that house should perform. Certain he was, that he had never deserted any situation of this kind in which he was called upon to act, but on account of its interference with his indispensable engagements in some other place. He was on a secret committee in 1794, upon another in 1799, but if he were unfit for such a charge as that now proposed, he should with great pleasure submit to the direction of the house. Many years he had enjoyed the honour of being a member of that house, but he had never made extravagant professions; he was convinced his character must depend, not upon self-applause, but upon conduct. If he had never vaunted of high qualities to the disparagement of others, he had not wholly disclaimed party feelings and party principles, and he should rather think the worse of that man who was destitute of either. If, by the peculiar circumstances he was now called upon to vindicate his own honour, he would publicly proclaim, that he never in that house uttered a sentiment he did not conscientiously feel; when he expressed his opinion, that the Sheriffs of Middlesex should not be punished before they were heard by their counsel, whatever might be attributed to him, he was influenced by no party bias; he imputed to neither side improper motives; he had a more fit employment in regarding the purity of his own. He was discussing a most unpleasant topic, he was speaking of himself—a subject, he hoped he should never again have occasion to recur to. He could confidently assert he had never given the sanction of his authority (humble, indeed, it was) in the support of any principle, of which, in his conscience, he disapproved. If he were objected to for his deportment, it must be in the house, not in the committee; the members of these select establishments had no option, they had only to exercise common sense on the evidence that was produced before them. He apologised to the house, the rather because he did not rise to speak to the question, but to that part of the hon. gentleman's address which appeared to convey some imputation on his (the Master of the Roll's) character, but at the same time he acquitted that hon. gentleman of any design either to misrepresent his conduct or his motives.

Mr. *Whitbread* lamented he had been so unsuccessful as not to make himself understood; he thought it was impossible for any man to apply a construction, on what was said, in the smallest degree disrespectful to the right hon. and learned gentleman.

Mr. *Wortley Stuart* observed, that whatever influence the treasury might have used in circulating lists, it certainly had not done more than the hon. gentleman had done by circulating the lists which he had brought down the other day. In his list, every man named had voted against lord Melville; and did this shew a greater degree of impartiality than that list which had been ascribed to the treasury?

Mr. *Fox* was at all times happy to pay due deference to the usage of the house, when it was governed by the fit respect to the principles of the British constitution. The attempt of an individual to force a list for a committee upon the house, would be culpable; but it was in a much higher degree criminal for any such experiment to emanate from the treasury, accompanied with the influence that must be presumed from that quarter. If his hon. friend (Mr. Whitbread) had brought down a list, he should have voted for it, provided he approved of it; but if his own conduct were the immediate object of investigation, he should have been utterly ashamed of himself, if he did not take all possible means of shewing to the public, he would have no share in recommending a single individual, for the purpose of such an enquiry. If his friend should produce to him a list, where he (Mr. Fox) was then personally concerned, he would say, " I will have nothing to do with the nomination of my own judges," and he would not condescend to inspect it. If his eye were to stray upon the paper, and he should discover in the list the name of his hon. friend, he should enquire if his friend meant to surrender his affection, and to insult him by such a proposition; much less could he do such an act in a clandestine manner; in such a case every name must be submitted to the observation of the house, and be exposed to its solemn decision. Considering the conduct of the right hon. gent. (Mr. Pitt) was implicated in the charge, it was most indecent that his own colleagues should be appointed to the committee. He could only say, that to place himself in such a situation, was diametrically opposite to every sentiment he (Mr. Fox) could indulge; but if the right hon. gentleman could accommodate his feelings to such a condition, he (Mr. Fox) sincerely congratulated him on the convenient effect of his insensibility.

The *Chancellor of the Exchequer* said, that on this subject the feelings of men seemed to lead them to extraordinary extremes. If he was to be sent on his trial where no charge had been exhibited—if he acceded to this, what they required was, that his jury should be entirely composed of men whom he could challenge for cause. This might be their notions of justice, but if he had any thing to apprehend from the effects of the spirit of party, the only way to determine the point properly was to take care that the majority should not be composed of those whom habit, if not conviction, might lead to find him guilty. He was not so chimerical in point of honour, so forgetful of the principles of reason, justice, and the law of England, as to put himself in the situation which they proposed, for the perilous chance of acquiring their approbation. Nor was the practice of parliament on this occasion so inconsistent, as had been represented, with the maxims of the British constitution. The committee had been appointed in the way most usual on such occasions. It was true that the mode had often been objected to, yet, upon argument, it had been approved. Committees so appointed had produced reports most satisfactory to the house and to the nation, and he was not, upon old exploded reasoning, disposed to renounce what had been so long established. Had not the house already decided the committee was to be chosen by ballot? When this was proposed, in the pursuit of his present design, the hon. gent. (Mr. Whitbread) should have proposed that all persons in office should be excluded from the ballot. He should have gone farther, and have insisted, that all gentlemen who condescended to honour him (the chancellor of the exchequer) with their private friendship, should also be excluded. Such were the extraordinary propositions by which these wild notions of personal delicacy and private honour must be maintained, that his (Mr. Pitt's) colleagues in office, as well as those with whom he was connected by the ties of affection, were to be deprived of their parliamentary privileges. On the other grounds of objection, after what had been so ably stated by his right hon. and learned friend, it was not necessary for him to detain the house. This was not an election committee, where it was required that the members should be present during every moment of the proceedings; and if he were not resisting the motion of the hon. gentleman, he should now have been proposing a quorum for the committee, to render such constant attendance wholly unnecessary. Would gentlemen then say, that because some members, from their other important duties, could not devote the whole of their time to such an enquiry, that they were never to be nominated upon committees, and were to be excluded from so essential a branch of their parliamentary functions? What would be the consequence? Those persons who were best acquainted with the business of finance would be precluded from sitting on committees in that important department; those best versed in legal subjects would be prevented from giving the assistance of their learning in juridical investigations; those who were most informed on the great political interests of states, would be incapacitated from affording their light on that important branch of enquiry; and thus the country would be deprived of the benefit of that mass of talent, the application of which would be most conducive to its glory and happiness. Then it was said the house was to look to what the public expected of it: the house certainly was to attend to what the public ought to expect; and that would be best indicated by a calm, firm, and resolute discharge of its duty. But a party cry, which assumed to itself the voice of the people, was not to be mistaken for the popular sentiment, in order to annihilate the acknowledged privileges of a member of the legislature. These were examinations proceeding on the general principles of justice; every honourable man was therefore a fit member of such committees; the joint talent of the house, when collected, would most effectually conduce to the elucidation of truth. Was the introduction of one party only the best way to procure a fair, and the exclusion of the contrary side the most probable means of obtaining a wise, decision? Undue influence ought not to be employed; but to say that to suggest a list to the inspection of a member, was the use of undue influence, seemed an assertion not at all correct, because it could by no means be discovered if the party had or had not voted according to that intimation. The matter on the whole appeared to him so plain, that he felt it difficult to vindicate himself for speaking so long; but his leading desire was to rescue the house and its proceedings from the imputation which had been justly directed against both.

Mr. *Sheridan* said, there was a warmth intruded into the discussion, which did not belong to it. The real question was, which side of the house most conduced to support the character of the house, and to fulfil the just expectations of the public? In some degree the right hon. gent. seemed to have a correct notion of the subject, but in order to justify himself, he presumed to call the opinion of the nation a party cry. Were the resolutions of the City of London a party cry? Were the meetings all over the kingdom a party cry? Was the vote of the house of commons, supported by the independent spirit of its speaker, a party cry? It ought to be known, that the time was at hand, when it was necessary to encourage the friends of the state, by the loud voice of the people. The gent. on his side of the house did not challenge the individuals proposed for the committee without cause. They distinctly said, no one holding a place under the crown, is a proper person to examine the conduct of the first lord of the treasury. They said, a person like the noble lord, who had since the union acted with the minister, went out with him, came again into office with him, and remained to open a back door for the right hon. gent.'s admission, is not a fit man to be employed on such an occasion. Perhaps, the *iræ amantium*, of which gentlemen had heard within these few hours, rendered him, if possible, yet more objectionable. Could it then be said (he would repeat the question) that no cause was shewn for the challenge? It was extremely suspicious, that the first person proposed by his hon. friend (Mr. Whitbread), being a partizan of the ministers, should be resisted, and the proposition for the ballot immediately succeed. The right hon. gent. said, "shall I be stripped of my friends? Is no person in office, no one connected with me to appear in the committee?" It was not required that no colleague in place should be on the committee, but it was demanded, that the members should not be pestered with treasury lists. Could the right hon. gent. not trust to the league of private affection? And if his confidence were deficient there, could he not repose in the expectation, that, for the many favours received, and the many more in reversion, his connections would not be unmindful of his security? It was not fair to say, the exclusion, on some important occasions, of persons in place, was unknown to our law; this was the case under the circumstance of appointing committees on delinquency in the East Indies. Who brought in the bill by which this was enacted? Lord Melville. This was the public reformer who was so lately libelled by the house of commons; this was the man who was chairman of the committee, and who prosecuted the unfortunate delinquents with extraordinary severity. But this was not an Indian delinquent, it was the person advanced to the head of the king's government. How much more expedient then was it, that this great officer of state, if guilty, should not be protected by the companions in his crimes? The right hon. gentleman forgot himself. He (Mr. Sheridan) told him he was himself upon his trial, but he replied, that there was no charge, no report against him. The right hon. gent. prescribed three things, which the committee were to try, and it was extremely unlucky that in all three he himself was implicated. The first was, if he had authentic information of the purpose for which the money was drawn out (that was, if the first lord of the treasury had such intelligence of the proceeding of lord Melville and Mr. Trotter). The second was, if the money was withdrawn for the purposes for which it was voted, and applied to the delicate services which had been adverted to. It was curious to see a person put on the committee, of whom it was said he had corrupted the Irish parliament. If he would commit such practices with regard to one legislature, his inclination at least would not be deficient to do the same to another. On this charge of the misapplication of the money, the right hon. gent. was to be tried, and if it should be found that the first lord of the treasury authorised such conduct, it would be no wonder if the subalterns in office took advantage of it to effect their own purposes. The third regarded the discharge given to lord Melville, on account of the defalcation of Mr. Jellicoe. Was it not then most obvious, that the right hon. gent.'s purity was the question to be determined in all these? Then his hon. friend very naturally enquired what would a man of honour do if placed in such an unhappy predicament? The right hon. gent., when the subject was started, made no objection to the committee. He felt himself so closely touched, so sore when his conduct was doubted, that he would have the matter fully examined, and, to use his own words, he would have it sifted to the bottom. Then said his hon. friend truly, a man of honour, in such a disposition, would have no concern with, and if possible, no knowledge of the parties by whom the enquiries were to be prosecuted. But what was the course of the right hon. gent.? He said, "I will prescribe the line of your march. I will appoint the commanders in the field." He drew up the indictment by which he was to be arraigned, and then nominated the jury before whom he was to be tried. He would tell the right hon. gent., in such a proceeding he had consulted his own honour; the people of England would be disappointed, and they were entitled to a fair, full, and impartial investigation.

Mr. *H. Lascelles* said, he wished to trouble the house with but a very few words indeed, to which he was induced by what had fallen from the hon. gent. opposite. He had said that he thought the committee was very objectionable from the mode in which it had been balloted for, and that all the members might be supposed to be partially inclined. He did not wish to go into a committee concerning which such impressions prevailed, and he thought it necessary to ask whether the hon. gent. had any objection to him?

Mr. *Whitbread* assured the hon. gentleman that to all those to whom he had any public objection, he had mentioned his objections, and that he never could have entertained the slightest to him individually. On the contrary, he appealed to himself, to say whether he had not asked his advice as to the names he should himself put down in the list, and his consent to insert his own name?

Mr. *H. Lascelles* acknowledged the hon. gent. had done so, and he felt himself much obliged by the compliment; but he did not allude to him, but to what had been said by Mr. Sheridan.

Mr. *Sheridan* disclaimed all idea of the smallest objection to the hon. gent. and said that his objection did not go to the committee, but to the mode in which it had been appointed by the right hon. gentleman.

Mr. *Fuller* said, though he felt a great respect for the hon. members who composed the committee, he was afraid, from the way in which it had been appointed, the public would not think it so impartial as it ought to be. It was known, he said, as well as the sun at noon-day, that his side of the house wished the right hon. gent. out of office; and it was as well known that he would endeavour to keep in as long as he could. He was sorry to see him proceeding in such a way, to obtain an enquiry into his conduct. He thought the committee he had recommended the other night would have been a much fairer one, viz. the taking one alternately from each side of the house, and all those to whom he had since mentioned it were of the same opinion. Why were not the names of two hon. gentlemen below in this list; gentlemen of the most noble and independent principles, and who had for many years past supported the measures of the right hon. gentleman? He mentioned Mr. Bankes by name (and there was a cry of order! order!). The other gent. alluded to was Mr. Wilberforce. He was afraid, he said, their names were left out, because they had dared to vote against him on a late memorable question. He exhorted those gentlemen, however, to go on, and one day or other the country would most assuredly reward them. He said, if the hon. and learned gent. (the Master of the Rolls) was always quibbling in another place as he was here, he would not give a farthing for his arguments.

Mr. *Canning* complained that his right hon. and learned friend (the Master of the

Rolls) had been arraigned in his absence, and blamed for having entered on a justification of himself in circumstances that so peculiarly led to it. He was sure, however, that he might say also in the absence of that right hon. gent., that there never was a man to whom the task of justifying himself was more easy or less necessary. He reprobated the terms that had been employed by some hon. gent. in speaking of the committee, and thought his hon. friend (Mr. Lascelles) perfectly justifiable in resenting the general language of opprobrium that had been applied to it.—They had been told by an hon. member that he was far from meaning to attach any disrespect to his hon. friend, or to impute any disgrace to individuals of the committee. What! said the right hon. gent., is it then no disgrace to belong to a packed jury, such as they attempted to represent this committee? He was glad, however, his hon. friend had taken an opportunity of having such broad imputations contradicted. In regard to Mr. Baker, for whom he had the greatest respect, he contended that he had been introduced merely for the purpose of giving more weight to their objections against the noble lord, and not from any real regard for that hon. gent. They had proposed him in form, not in substance. It was not to obtain his assistance to the committee, but to get quit of his noble friend, they had brought him forward. Though to Mr. Baker, therefore, he could have no objection, he regarded himself as bound to resist the motion. His right hon. friend had been represented as shrinking from enquiry, but how was that charge attempted to be made out? Was it by stating, as they had done, that he had withdrawn from the cognizance of the committee every thing but what related to himself? This, instead of shrinking from an enquiry, was more like courting it, so far at least as related to himself. His rt. hon. friend indeed had always wished enquiry, and had originally contended for that very mode of enquiry which the house had at last adopted, he meant a committee. As to what farther respected lord Melville in the report, the house had already decided, that it was better to refer it to a court of law and to recover such monies as the public might be found to have a claim to. It had been suggested by some gentlemen that the committee should be formed by allowing each side of the house alternately to name a member. Let the list, brought down by the hon. gent. opposite, and the list said to be recommended by government, be compared, and it would then be seen in which the principle of equalization had been most closely adhered to.

Mr. *Jekyll* thought, that in the course of the proceedings, he and his friends with whom he acted, had reason to complain of want of candour from the right hon. gent. on the other side of the house. The only question now before the house was, whether the noble lord opposite was a fit person to be on that committee, situated and connected as he was with the right hon. gent. near him, on whose conduct, as first lord of the treasury, that committee was to sit in the nature of a jury. The right hon. gent. had not, it seemed, entirely forgotten the early habits of his life, and had therefore talked in the language of that profession, to which he was bred, "of a challenge for cause." He begged, however, as a professional man also, to remind the right hon. gent., that there were in our law two sorts of challenges, and that the other of them was "a challenge of the array," by which last the law provides that no public officer shall chose his own jury, and he was astonished the right hon. gent. should attempt to take advantage of being tried by a tribunal of his own nomination. One thing had also struck him most forcibly. His hon. friend who brought forward this motion had objected to the name of the noble lord, and in the whole course of the debate not one reason had been given against this objection. The simple question came therefore to this, would the public be satisfied with the nature of this proceeding? He did not think it would; and, as he wished the house to revise their decision in the appointment of this committee, he should vote for the motion, and hoped the noble lord's name would accordingly be expunged from the list.

Mr. *Windham* said, that it was his intention to propose that his name should be struck off from this committee, upon nearly the same grounds on which he meant to contend that the noble lord (lord Castlereagh) who was the subject of the motion, was ineligible, namely, the friendly footing on which he had been with the noble lord (lord Melville), as well as with the right hon. gent., whose conduct was also to be investigated. The official connexion which he (Mr. W.) had had with lord Melville, the social intercourse thence arising, and the impression made on his mind by the many amiable and estimable qualities, which the noble lord was known to possess, were all circumstances, which tended to disqualify him for the duty meant to be imposed on him. It was a duty which he did not wish to undertake. As to the nature of the committee, it ought in his judgment to be composed, not merely of impartial, unprejudiced persons, persons who would receive and report truth when submitted to them, but of those who would be disposed to go in pursuit of it, and would be zealous and active in their researches. The committee was not meant for judicial decision, but to collect and bring forth the grounds for a charge, which should be submitted, afterwards, to the consideration of the house. The character of the committee was rather accusatory than judicial. Was it not then singular, that the very person accused, should himself nominate the committee that was to examine the grounds of the accusation? When a friend was thus appointed to pursue such examination, he must be rather a sturdy moralist, who could use the necessary diligence in order to seek out facts likely to lead to conviction. The task was more ungrateful than ought to be imposed on any one, and the confidence was too much for the house to repose.—It was a trial which he was not willing to encounter. The only argument that could be used was, that it was not so much lord M. as the rt. hon. gent. (Mr. Pitt) that was the object of charge, as the powers of the committee were now limited. But this was only to change the person, leaving the case the same. He once acted with the right hon. gent., although he now disagreed with him; and, indeed, to speak correctly, even when he did act with him he could not be said properly to agree with him. The agreement was rather comparative than absolute—rather with reference to the sentiments of those than opposed to the right hon. gent., and with whom he (Mr. W.) now concurred, than from a complete coincidence in the views entertained by the right hon. gent. Still his connection with the right hon. gent. had been such that he did not wish to be a member of a committee appointed to arraign his conduct. In considering the powers with which this committee was vested, combined with the persons of which it was composed, he really did not think it was calculated to give satisfaction to the country. And however little he might be disposed, or might wish that others at different times had been disposed, to enforce a devoted reverence for public opinion on great questions of general policy, upon which, what was called the public was generally incompetent to judge; yet upon such an occasion as this, the case was directly the reverse. Here public opinion was not only entitled to peculiar attention, but was itself a great part of the question. The weightiest part of the charge against the noble lord (lord M.) was the shock he had given to public opinion; and the first duty imposed upon the house, was to take such measures, consistent with justice, as might be likely to restore it. Where the suspicions of the public were reasonable, whether they should ultimately turn out to be well or ill founded, they had a claim to consideration and satisfaction. As Dr. Johnson said of the partisans of Ossian, 'to revenge reasonable incredulity by refusing evidence, was a degree of insolence to which the world had not been accustomed!' It was the duty and interest of the house to preserve itself from suspicion in any part of its proceedings upon this delicate question. The wife of Cæsar should not only be pure but unsuspected. If the committee were to be constructed according to present appearances, his conviction really was, that although the condemnation of the party accused by such a committee might have weight, their acquittal would have no weight at all—[a cry of hear! hear!] He conjured the house to take such a course as should satisfy the public; and though this was a phrase which, used too generally, would rather befit the proprietor of a theatre or a tea garden than a great and grave assembly; yet it was a fit address to the house on this occasion. The public was the party to be satisfied, for it was the property of the public that had been misapplied, and what was still more to the purpose, it was the confidence of the public, that had been shaken.—If obliged by the vote of the house to become a member of this committee, formed as it had been, by ballot, and limited, as it was, in the objects of its enquiry, he desired to be understood as engaging in it contrary to his inclination, and as entering his protest against the proceeding.

Lord *Castlereagh* rose, expressing much reluctance in the necessity by which he was impelled to call the attention of the house, when he was personally the subject of debate. He then applied himself to the charges brought against him by the hon. gent. who moved to strike his name from the committee, and said, the hon. gent. in the allusions he had made to himself, and the several public topics with which he had been publicly and officially connected, only exercised a privilege to which, as a member of parliament, he was fairly entitled, and for which he felt not the slightest degree of animosity towards the hon. member. He totally denied the alledged analogy between his excusing himself upon oath from sitting on election committees, which were attended with circumstances specifically required by act of parliament, totally incompatible with the discharge of his official duties, and his competence to attend upon a committee of this kind, where a perpetual attendance upon the whole of its sittings was not required, but might be optional, and more suited to his opportunities. If the present committee had required an attendance equally close, he should have felt it his duty to state to the house, that his official avocations must render that attendance impracticable, and have claimed the indulgence of the house to be excused from serving on it. The house having done him the honour to name him as a member, it would ill become him to arraign its wisdom; and though he was ready to avow his strong personal attachment to his right hon. friend, and that if the committee were to exercise a judicial power, possibly his time of life, and his little experience in such investigation, might render him not so eligible to the duty as his right hon. and learned friend, the master of the rolls; yet, considering it was the duty of the committee merely to enquire into the truth of facts upon proof; that it was in the power of no member of that committee to conceal a single fact that should come out in the course of enquiry; that those facts must be detailed in their report to the house, who, and not the committee, were to exercise judicial decision; he felt nothing on the situation, or the nature of his connections with his right hon. friend, that could disqualify him from discharging the duties imposed upon him by the nomination. With respect to the allusion made by the hon. member, to his having retired from power with his right hon. friend, on the circumstance of a great political measure, and returning to power again without his right hon. friend, or that measure, it would be seen, from the discussion which would take place in a few days, whether he was under any engagement that could preclude his acceptance of office. The hon. member had thought proper to make some allusion to his conduct in another country, as connected with a great and important measure: the part he took in the accomplishment of it, was the proudest circumstance of his life. He would venture to say, that there never was a transaction in which there was more meritorious sacrifice of political interest to public welfare. The charges made against him on that subject were professedly founded on something which had fallen from a right hon. friend near him (Mr. Foster), whose difference of opinion from him on that great question he regretted as a misfortune; but he had only to say, that what had fallen from that right hon. gent. on the night alluded to, by no means bore the construction attached to it by the hon. member. Upon the whole, he considered the question of this night not by any means as personally directed against him, but an indirect attempt to censure the decision of that house by persons who only respected its decisions when they happened to accord with their own. He knew it was disorderly to allude to former debates in that house; but as those gentlemen had thought fit to allude to them for the purposes of casting obloquy upon him and his friend, he trusted he should be indulged in a similar liberty of recurrence, in order to remind the house of the conduct of some of those gentlemen. An hon. member in particular, (Mr. Fox) who had, at no very distant period, thought so contemptibly of that house and its decisions, as to withdraw himself entirely from parliamentary attendance, had at length thought fit to revise his opinions, and condescended to attend the proceedings of the house. But he trusted the house had too just a sense, and too strong a recollection of that hon. member's conduct, ever to repose their confidence in him. He trusted that no period would ever arrive when the direction of public affairs would be entrusted to his hands; for, convinced he was, that however the hon. member's principles may have been neutralized by any new connections he may have formed of late, they were still such as to render him totally unfit for the confidence of the British nation.

Mr. *Grey* said, that he could not remain silent, when he heard the conclusion of the noble lord's speech, which he considered the most unparliamentary and indecorous he had ever heard in that house; the whole, as far as related to his hon. friend (Mr. Fox) was a misrepresentation and perversion of facts. The noble lord had stated that his hon. friend had no respect for parliament but when it acceded to his wishes. Such a declaration he considered unparliamentary. The noble lord had also thought proper to refer to the past conduct of his hon. friend. To such a reference he should gladly submit the point at issue; he was not afraid of the discussion which would arise out of that enquiry; he should even provoke it with great pleasure. His hon. friend did what he himself was obliged to do at the same time time; he ceased to attend in his place in parliament: this was what the noble lord called desertion and abandonment of public duty. His hon. friend abstained from attending when he knew that his presence could be attended with no success; he did not attend when he had experience of the inutility of combating for the public good, and promoting the interest of the country. But when his hon. friend and himself had given up attendance in the house, they did not leave the right hon. gent. (Mr. Pitt) under any great embarrassment, they left him in possession of the support, almost the unqualified support, of the house of commons, and without opposition; he had the resources of the country at his command, without check or restraint. How then could the noble lord state that his hon. friend caused any embarrassment by his non-attendance, when that very circumstance afforded the right hon. gent. every facility to carry on his favourite plans of every kind without being questioned as to their fitness or expediency? The noble lord had misrepresented his hon. friend, as calling this a packed committee. He might have said, the committee was solicited by the right hon. gent. and he would ask him, whether it was consistent with a high sense of dignity, and very honourable to his feelings? When the question before the committee was that of abuse, and the conduct of the right hon. gent. the subject of enquiry, was it honourable or delicate in him to endeavour to recommend the appointment of persons firm in his interest, and connected with him in the government? The noble lord next complained of the manner of his hon. friend's bringing forward his motion. The argument he wished to apply in this case, was respecting the qualification of the noble lord. It was not merely a question regarding the concealment of facts in the committee, but there were other duties that regarded the investigation of abuses. It was a proper consideration, whether we should not avoid the appointment of persons, who had been themselves active in the matters complained of. He wished to ask, upon a *prima facie* view of the question, whether it was not a strong objection to the appointment of the noble lord, that he was connected with the person who formed the subject matter of complaint, that it might turn out, that he was himself a party concerned. The first charge against the right hon. gent. was his knowledge of, and connivance at the withdrawings of money from the Bank. The second was, whether it had been withdrawn for the purposes for which it was voted, and applied, as it was stated, to delicate services; and the third charge regarded the acquittal of Mr. Jellicoe. He would insist, that the knowledge which the noble lord was likely to have of these transactions, and his connection with administration, were substantial grounds for his disqualification. The noble lord was himself a minister, and connected with the noble lord who had been adjudged a delinquent, and might himself be implicated. The noble lord had been again pronouncing his panegyrics upon the Irish parliament, and had said, that there never was a more meritorious sacrifice to public duty and the welfare of the country, than that which produced the union. That sacrifice, however, was obtained by the purchase of private boroughs with the public money. His lordship had been charged with this: but he did not attempt a word in his own vindication. As the noble lord denied that any charge had been preferred against him by the right hon. gent. on the treasury bench near him (Mr. Foster); let him, therefore, ask that right hon. gent. Whether the charge could be supported, he did not mean to say, but that it had been made was most certain and undeniable. The noble lord heard the charge at the time it was made by the right hon. gent. he heard his hon. friend (Mr. Whitbread) also repeat it. He was charged with giving money for the purchase of votes. That charge stood against the noble lord, let him answer it: would he screen himself, like persons who refused to acknowledge their delinquency, under the 5th clause? He should, however, only say for the present, that the charge had been made, and no answer whatever had been given. With respect to feelings, were he to change situations with the noble lord, and be accused and shrink from the charge, without giving an unequivocal denial, he should feel disgraced, and stand in the situation of a delinquent. Abuse of office was the subject of the present investigation. Public corruption was the subject of this inquiry; he, therefore, would ask whether the noble lord was a proper person to be upon that committee? but when the question was agitated, the gentlemen on the other side found it necessary to shelter themselves under the proceedings of the house, and say that he and his friends were endeavouring to vilify the character of the house, by objecting to certain names in the list for the committee. If those names were liable to objections, there was no other way of shewing that but by the mode his hon. friend had taken, and for which he deserved the greatest thanks. With respect to the mode of ballot, the theory which was used in the present case was not applicable in any other. When the abuses of government were the matters of complaint; at a time when the people, loaded with taxes, were looking with the greatest anxiety to that house for redress, it was their duty to adopt the most efficient method of bringing delinquency to light, and doing that justice which was expected at their hands. But his chief objection was to the quarter from whence those lists had been circulated; a quarter where the power was great, and influence might be practised. The right hon. gent. had said, that if lists were circulated, they were not obligatory; he would ask the right hon. gent. if there was not great danger of creating an improper influence? If in a court of justice, the accused party was to circulate lists among the jury who who were to try him, would not the right hon. and learned gent. the attorney general, fall immediately upon them, and expose the criminality of their conduct? The defence that would not be accepted in a court of justice, ought not to be received in a house of commons.

The *Attorney General* observed, that the hon. gent. who had spoken last, had expressed himself with great warmth, in defence of his political friends. In his opinion that part of their political life in which they thought fit to abstain from attending their duty in the house of commons, was not very honourable or advantageous to their character. The right hon. gent. opposite (Mr. Windham) had contended, that public opinion was not to be made a general rule of conduct, but ought to have particular force in this case. He, on the contrary, thought it ought to have no influence on an inquiry into facts. The right hon. gent. said, the committee should be an accusing committee; but he thought, it should not be an accusing committee to the exclusion of all disposition to inquire into the means of acquittal. An impartial committee would not be had if the list of the hon. member opposite to him had been adopted; for it consisted of none but members who had voted against ministers on the subject of lord Melville. The object of the committee was indeed to inquire; but it was as much to inquire with a view to establish innocence as to detect guilt. Its object must be justice, and its pursuit the discovery of truth, and such, he was persuaded, would be the sentiment of the committee now before the house. He thought the right hon. gent. (Mr. Windham) a fit member of that committee, notwithstanding he had endeavoured to disqualify himself, for he had that sturdy morality which he stated to be a requisite in a member of that committee; since he had given proof that the sense he entertained of his public duty overbore the private esteem he had for lord Melville; in a word, the right hon. gent. was in himself an epitome of what a committee ought to be; since he possessed, in an eminent degree, all the qualities he himself required in that body. With respect to the other hon. gent. (Mr. Whitbread), who it appeared would do his duty with more satisfaction if the committee was appointed as he wished, he was satisfied their object was to discover truth, and detect guilt. There was, no doubt, from the zeal, activity, and perseverance of that hon. gent. that they would be able to procure every information, and that the objects of the committee would have their fullest effect, as it was now chosen. He therefore thought the mode by which the committee had been appointed was more calculated to attain their purpose, than the one proposed by the hon. gentleman.

Mr. *Windham*, in explanation, stated, that he did not use the words alluded to by the right hon. gent. in the sense attributed to him. When he made use of the phrase, "accusing committee," he did not mean that it was to be so composed as the learned gent. imagined; it was not his wish to exclude impartiality from it, although he wished that the valuable qualities of research, intelligence, and investigation should be amply discovered in it.

Mr. *Robert Thornton* stated, that he did not think the circulation of lists an offence of that grave character that some gentlemen seemed to conceive. He thought it perfectly justifiable, for if men, whose political inclinations generally coincided, did not consult and concur with each other upon such occasions as the one which had just given rise to the discussion before the house, it would be in the power of any ten members to carry the appointment of the persons who should be nominated to try the most important question. He believed lists might have been circulated from the treasury; but to counterbalance this, had not opposition their lists also? If no lists should be sent out, government, or opposition, or any other lot of men, might decide upon any question where ballot should be employed; and the noble lord who was now objected to might have his ten friends, and be borne off by that number of persons politically attached to him, or ruined by his adversaries. He would acknowledge he had received one of those lists, from whom he knew not; and he exercised his discretion upon it to the same extent that he presumed every member who received one did; he made such alterations in it, and those with respect to more names than one, as he conceived indispensible towards obtaining an impartial, active, and enlightened committee. He could perceive that on the ballot but few of the opposition members put in their lists, and he thought he could perceive the motives which influenced them to decline the exercise of that privilege; and that was, because they had determined at the time to bring forward this motion. He was one of those who had voted with the hon. gent. (Mr. Whitbread) in censuring lord Melville, and upon that occasion he had acted with a number of friends, among whom many shades and differences of opinion existed, respecting the degree of culpability imputable to that noble lord. Was the tenor of that vote to be arraigned, because they had met and consulted with each other? He did not suppose the hon. gent. would say yes. He felt it to be his duty to concur in the motion of that hon. gent. on the 8th; and although he had since differed with him on one or more occasions, he did not think it improbable, but that both he, and those who acted with him, might have opportunities of voting again in support of a motion brought forward by that hon. gent. The present motion, however, was one which neither he nor any of his friends could support.

Mr. *Richard Martin* said, that if he could have brought himself to be on the same opinion with the hon. and learned gent. (the Attorney General) he would have put an end to the debate long ago. Would it not, he asked, be more honourable for the noble viscount to be acquitted by his accusers than by his friends, as much as it would be more to the honour of an individual to be acquitted by a jury, the foreman of which was known to be his personal enemy? The time of the house, he thought, had been very unnecessarily taken up in discussing whether the name of the noble lord should be continued on the list, or no. He was not of the opinion of those who laid it down as a principle not to be deviated from, that a public functionary was by no means to be received into a committee appointed for such a purpose as that proposed. By no means. He would examine what the character of that functionary was. If he found such a person to have been uniformly venal out of office, and corrupt when in it, he could not consider such a man as a fit subject for a committee. He would say a few words in answer to one argument from that noble lord. He was one of those who had been accused of raising a cry against the Union; true, he had opposed it. Since that great legislative measure took place, and since he came into this country, he saw many reasons to approve of it. He would, with the indulgence of the house, explain what they were—

The *Speaker* begged leave to remind the hon. member that the observations upon which he was about to enter could have no possible bearing upon the subject before the house for discussion.

Mr. *Martin* gave way, and after a short conversation, during which strangers were excluded, the house proceeded to a division on Mr. Whitbread's motion for expunging the name of Lord Castlereagh, and inserting that of Mr. Baker in its place.—Ayes 86—Noes 219.—Majority against Mr. Whitbread's motion 133.

While strangers were excluded,

Mr. *Windham*, having stated to the house, that he had been a member of the administration in which the abuses described in the Tenth Report are alledged to have taken place; and having submitted other considerations to the house, why his name should be struck out of the said list, concluded with a motion to that effect; upon which motion another division took place:—Ayes 80. Noes 207. Majority 127.——Adjourned.

HOUSE OF LORDS.

Wednesday, May 1.

[MINUTES.]—The bills upon the table were forwarded in their respective stages.—A short conversation took place between the earl of Suffolk and the bishop of Oxford relative to the situation of the poorer orders of the clergy, particularly the curates, in consequence of the noble earl having lately stated that he had received a variety of information upon the subject, some of which was of great importance, and which he should take a future opportunity to call their lordships attention to, as he deemed it well worthy the interference of the legislature; this, he seemed to say, was his intention in the event of the bill now before the other house not passing.—The bishop of Oxford observed, that to enable their lordships duly to understand the subject, information on both sides the question should be laid before the house, otherwise a decision upon it must be a very lame one.—The earl of Suffolk replied, that his principal view in calling the attention of their lordships thus early to it, particularly that of the rev. prelates, was, that the information before the house might not be *ex parte.*—Some detailed observations were then interchanged between the above peers, respecting the situations of curates, upon some particular livings, who, the noble earl seemed to think, were not justly treated. The conversation was terminated in consequence of an observation from the Lord Chancellor, who said, that not a single word had fallen from their lordships, but what was contrary to the orders of the house.

[UNIVERSITIES ADVOWSON BILL.]—The order of the day being read for going into a committee upon the above bill,

The Duke of *Norfolk* said, that as he was in hopes the bill in question would be considerably modified in the committee, he should not oppose that part of its progress; but were it not so, he should certainly oppose the measure in a future stage. After some further observations, his grace moved, that an Account of the number and value of the different livings in the presentation and disposal of the colleges in the universities, &c. be laid before the house.

Lord *Grenville* expressed his doubts of the propriety of this proceeding; besides, he believed there was no regular office, or place, at least none under government, whence the information required could be drawn; and he highly disapproved of any attempt to call upon private individuals, or corporate bodies, for a statement or specification of their properties, from a proceeding brought forward, as the present, by any individual peer. He believed such a proceeding was without precedent; and to set one in the present case, may be of a dangerous tendency; or, if a precedent existed, it could not be conformable to that respect to the rights of property, which he trusted all their lordships were inclined to pay.

The *Lord Chancellor* coincided in the remarks of the noble baron: better would it be to suffer the bill in question, beneficial as it was likely to prove, to be lost, than set such a precedent as that contained in the noble duke's motion. Did the universities themselves come forward and desire relief from specific hardships, the case would be considerably altered.

The Bishop of *Oxford* shortly stated, that he was in possession of important information on the subject of the motion, which he should freely communicate to their lordships.

The Duke of *Norfolk* questioned the justice of the noble baron's remarks. He was of opinion that all corporations were more or less in the nature of trustees, and may fairly be called upon. However, he had no objection to withdraw his motion.

Lord *Hawkesbury*, in a great degree, expressed his concurrence in what had fallen from the noble lords who disapproved of the motion; but in some measure the merits of such a question would depend on circumstances, so that it was impossible, with reference to the powers of parliament, to lay down a fixed principle for such cases.—The motion was then withdrawn by the noble duke, and the house, pursuant to the order of the day, having resolved itself into a committee upon the bill,

The Bishop of *Oxford* addressed the committee in a speech of some length upon the subject, in which he recapitulated his former arguments in favour of the principle of the bill, and added a variety of detailed considerations, drawn from documents and accounts, to which he referred, in support of the measure. He contended, that it was incumbent upon those who opposed the bill, to make out what benefit would be obtained by continuing the restriction. The repeal, properly speaking, would not be a boon, but an act of justice, on the part of parliament, and would be gratefully received by the universities. He hoped, therefore, it would not be reluctantly granted to them, and that the bill would be suffered to pass in its original shape.

Lord *Sidmouth* expressed his objections against the bill in its present shape. If it appeared to be the sense of their lordships, that a bill to the general effect of the present ought to pass, he thought some modifications might beneficially be introduced; but these not being now perfectly prepared, it was his intention to propose them in a future stage of the bill. He thought that before the universities were suffered to purchase any new livings, their friends should be employed in augmenting the small livings now in their possession, and afterwards that suitable parsonage houses should be erected on the same.

The *Lord Chancellor* supported the bill. His general grounds were those he had advanced on former occasions. He dwelt with great force and effect on the consideration of its being infinitely preferable to permit the universities of the kingdom to acquire ecclesiastical patronage (a patronage which they had always exercised in the most honourable and beneficial manner), ere it should fall into the hands of such persons, Schismatics, Methodists, and other sectarians, as it was likely, to a dangerous and destructive extent, through the present scandalous mode of traffic for church preferments. Though he widely differed from his noble friend (lord Sidmouth) in some important considerations respecting the subject of the bill in question; yet there were some of his suggestions he thought highly deserving of attention; such as the augmentation of small livings, &c. and which, he trusted, there would be a future opportunity of considering. With that view, he thought it would be desirable to vote the repealing clause generally; it would be proper on a future day to recommit the Bill, in order to consider of farther provisions of the nature he had alluded to.

Lord *Hawkesbury* supported what had fallen from his noble and learned friend.

Lord *Grenville* spoke in support of the bill in its present shape. It was a boon well deserved by the Universities, and should be dealt to them fully and liberally, and not with a sparing hand, which would imply a suspicion of probable abuse on their part.

Lord *Sidmouth* spoke in explanation, as to some points in the noble baron's speech, intended as a refutation of certain positions which he had advanced.—The bishop of London and the earl of Suffolk shortly delivered their sentiments. Lord Harrowby approved of the suggestion, that the funds of the colleges should be applied to the enlargement of small livings, rather than to the purchase of others. The bishop of Oxford argued against the introduction of a clause to that effect. The lord chancellor thought that the enacting clause should pass in the way he had suggested; and that the provisions adverted to should be considered on a future day. The bishop of Oxford did not object to this. The bishop of St. Asaph said he would not trouble the house with his opinions in the present state of the business; but thought the observation of a noble lord (Harrowby) well worthy of attention.—The question was then put, and the enacting clause agreed to.—Adjourned.

HOUSE OF COMMONS.

Wednesday, May 1.

The speaker attended at half past three, and at four o'clock there being only 39 members present, including the speaker, the house of course adjourned to to-morrow.

HOUSE OF LORDS.

Thursday, May 2.

[Minutes.]—Counsel were further heard relative to the Scots' Appeal, Cathcart, bart. *v.* the earl of Cassilis. Several private and return bills were brought up from the commons, and were severally read a first time.—The bills upon the table were forwarded in their respective stages.—Adjourned.

HOUSE OF COMMONS.

Thursday, May 2.

[Minutes.]—Mr. Grattan was sworn and took his seat for the borough of Malton.—A new writ was ordered for the election of a member for the borough of Helstone, in the room of John Penn, esq. who had accepted the chiltern hundreds.—The Irish Mail Coach Road bill, the Irish Loan bill, and the Irish Dollar bill, were read a second time, and ordered to be committed.—Mr. Baker obtained leave to bring in a bill to amend the act of 9 Geo. I. in regulating the duty of parish officers, so far as relates to contracts for lodging, maintaining, and employing the poor.—Mr. Leycester moved, that a message be sent to the house of lords, to request that lord Melville have leave to come and be examined before the committee to which had been referred the further examination of the matter contained in the tenth report of the commissioners of naval enquiry. The message was ordered, and Mr. Leycester to be the bearer of it.

[LORD MELVILLE'S GRANT.]—Lord *H. Petty* rose pursuant to his notice, to move for certain accounts of the public income in Scotland, and of certain grants out of that income. The reason of his making these motions was, that as there was an acknowledged necessity of inquiring as much as possible into every abuse in every department of the government, those papers seemed to him well worthy of the attention of the house, as connected with that object. He stated, that it had been the practice in Scotland, originating at the union, to draw money, by anticipation, out of the hands of the receiver-general of Scotland, by the authority of warrants from the barons of the exchequer in that country, signed by some of the lords of the treasury here. This mode of drawing the money, which had been originally designed as a security against abuse, seemed, however, to have been lately made the means of it. From 1783 to 1790, on an average, 186,000l. a year had been drawn in this way; from 1790 to 1797, it had increased to 223,000l. according to the report of the committee of finance. That committee had suggested the propriety of limiting this issue, as there was no certainty that the revenue from which it was taken could be counted upon for any certain product while it was liable to be so drawn upon without any regular account. The practice, however, had been suffered to continue, and the mischief of it may be conceived from one instance; the grant of 1500l. a year to lord Melville annexed to his office of lord privy seal for Scotland. This grant he considered a violation of the appropriation act, of the act respecting the revenue of Scotland also, and of Mr. Burke's act restricting the crown from granting pensions above 1200l. without the consent of parliament, for this grant was 1500l. If this grant had been directly made as an addition to the salary of the first lord of the admiralty it would not have been for life. If it was intended as a grant for life, the proper mode would have been, an application to parliament, stating lord Melville's merits as the grounds on which the claim was made. The noble lord concluded with moving, "that there be laid before the house an account of all monies paid under warrants of the barons of exchequer in Scotland, directed to the receivers of the customs and excise in that country, stating the persons to whom such grants were made, and the purposes for which, from 1797 down to the latest period they were made." This account was ordered, with some others of the same nature. The noble lord then moved for an account of another grant to lord Melville, of the arrears of the stewardship of Fife. This was necessary, as there was a report that the grant had been made in a surreptitious manner, and not on grounds satisfactory to the lords of the treasury when it came afterwards to be considered.

Mr. *Bond*—It is true my name appears upon the warrant; and I subscribed it without any hesitation, upon the authority of what appears at the beginning of that document, that the business was done with the concurrence of the barons of the exchequer in Scotland. I certainly take no blame to myself in the affair, since it was done with their acknowledged advice and approbation. But I think it due to this house, and to the public, on the present occasion, to advance one step farther. It was not known to me, nor, I believe, to any of my colleagues who signed the instrument, that it had reference to arrears to an amount of any consideration. Some small sum, we thought, might be comprised under that head, but that it should cover an item exceeding 3000l. I believe none of us entertained the most remote idea.—This account was also ordered.

[PROCEEDINGS AGAINST THE PRINTER OF "THE ORACLE," FOR A LIBEL ON THE HOUSE.]—Sir *Henry Mildmay* presented a petition from Peter Stuart, proprietor of the paper called The Oracle, then in custody of the serjeant at arms, by order of the house, for a breach of privilege in a paragraph in that paper, and moved, that the said petition be read. The petition was accordingly read by the clerk, and is as follows:—"To the honourable the house of commons in parliament assembled, the petition of Peter Stuart, printer and publisher of a morning newspaper intitled 'The Daily Advertiser, Oracle, and True Briton,' most humbly sheweth, that for the publication of that part of his paper of Thursday last, deemed highly offensive to this honourable house, he feels the deepest regret; and that although certain expressions in that paragraph be indiscreet and unguarded, and such as have incurred the displeasure of so important a branch of the British constitution, yet that your petitioner humbly hopes, on this acknowledgment of his sincere sorrow, that this honourable house, in the plenitude of its condescension and liberality, will be pleased to pardon him for a transgression solely attributable to the hasty composition of a newspaper, and not to any deliberate design of offending this honourable house. That your petitioner is emboldened to solicit your indulgence and forgiveness on his well founded assurance, that during the several years in which he has conducted a newspaper, it has uniformly been his principle and pride zealously to support the character and dignity of the house of commons; and that it has frequently fallen to his lot to have vindicated both from the charges of societies expressly instituted to bring them into public disrepute and contempt.—In any observations which your petitioner may have published on the conduct of lord Melville, he could not but bear in mind, that the views of those societies, abetting domestic treason, and assisted by the co-operation of the revolutionary power of France, would, he verily believes, have effected the destruction of the British constitution, had not the wise and efficient measures brought forward by that administration, in which lord Melville held so conspicuous a situation, been adopted; and this honourable house would not, in that case, perhaps, have been now in existence, either to censure lord Melville, or to pardon your petitioner.—That if any thing could increase your petitioner's regret, it would be its being supposed that the objectionable paragraph was directed also against the right hon. the speaker of the house of commons; that your petitioner has no hesitation to declare, that no idea was ever more remote from his mind; and that your petitioner would be the very last person to insinuate any thing disrespectful of a character whom he, in conjunction with the whole nation, highly esteems as a private gentleman, and most profoundly venerates as the head and public organ of this hon. house.—That your petitioner most humbly hopes this hon. house will consent to his release; and your petitioner will ever pray, &c. P. STUART."—The petition being read, the hon. baronet moved, that the said Peter Stuart be brought to the bar and discharged.

Mr. *Windham* called the attention of the house to the insolence of this petition, and asked whether any thing like it had ever been known? The condescension of the petitioner in bearing testimony to the private character of the speaker, and the office he held, was indeed extraordinary. However far the house could go in tolerating the insolence offered to it, and to every thing else sacred in the state, he was decidedly of opinion that the insolence of this petition was beyond all toleration. He left it to the house, whether ever any thing in the form of apology came up to this, which not only justified what the house had thought reprehensible, but even made accusations upon the house. He also pointed out the extraordinary claim of merit in opposing certain societies out of doors, which, it was modestly said, would, if not opposed by this person, and those to whom he referred, have prevented the house from ever sitting. He left it to the house what opinion it should form of this extraordinary petition. He should not offer any new motion; but he put it to the hon. baronet whether the original one ought to be persevered in. The petition was, by general desire, read a second time.

Sir *Henry Mildmay* said, he really saw nothing improper in the petition, nor could he understand why the hon. gent. should cry out so much against it. If it was the allusion to lord Melville, and the credit given to him, and those who acted with him, for those measures which enabled the house to preserve its place, he had no hesitation for himself to avow the same sentiments. He could not help believing that the right hon. gent. misunderstood the language of the petition. He did not see the smallest impropriety in the petition, and he therefore continued his motion.

Mr. *Fox*, although he professed himself to be no way averse to the object of the petition, thought that the petition itself was a very improper one to be presented to the house. It was unnecessary and improper to introduce in a petition of this nature, the opinions of the petitioner respecting the conduct of lord Melville in other times, and upon former occasions. He was at a loss to know for what other meaning this topic had been introduced, but for the object of attacking those who brought him before that house. The other topic which he had chosen for his defence, namely, the general principles on which he had long conducted a newspaper, appeared to him a most unseemly ground for the petitioner to rest his defence upon. In the first place, how was the house to know the fact? How was it to be expected that they should know what newspapers he conducted, or what was his manner of conducting them? He could not conceive that the house could admit of such a ground of defence, unless ministers wished now to inculcate the doctrine, that it will always be admitted as an excuse for those who may be brought before them for libelling that house, that the person who has been guilty of it has uniformly been a supporter of administration, and of all those majorities which could be supposed to be procured by the influence of the minister, and that he had before been in the habit of only libelling those minorities which opposed the wishes of ministers.

The *Chancellor of the Exchequer* could not well understand the conclusion drawn by the hon. gent. from the topic he had last stated. If the petitioner had stated generally, that he had been in the habit of supporting administration, or any set of ministers, that would certainly have been nothing to urge in vindication or extenuation of the offence which drew upon him the displeasure and punishment of the house; but when it was recollected, that it was for a libel on the house of commons that he had been ordered into custody, it was undoubtedly a topic of extenuation of the offence to alledge, that so far from being in the habit of libelling them, he had always before supported, as much as in him lay, the resolutions and decisions of the house of commons. He must allow, however, that the language and tone of the petition were not exactly what would have appeared to him the most proper. It was not, however, with this petitioner alone, but it appeared to him a common fault with almost all who were connected with the press, that they assumed a loftier stile, and gave themselves something more of importance, than appeared naturally to belong to them. As to the danger of the times, in which the petitioner alledges that he has supported the house of commons, in that he was fully borne out by the high authority of the right hon. gent. (Mr. Windham) who had frequently and very forcibly described those dangers in that house; and who, as well as the petitioner, had often attributed to that administration of which lord Melville formed a part, the salvation of the country. This opinion was not singular: it had been for many years the prevailing opinion of both houses of parliament, and of a considerable portion of the people of this country. If in common with them the petitioner had felt the importance of the services that had been rendered to the public by lord Melville, and those with whom he acted, it was certainly competent to him to state this circumstance in his vindication. He had stated the ground of his partiality to lord Melville to proceed from his opinion of the great services he had performed; it was therefore not surprising that those who do not relish that opinion should also dislike the statement of it in the petition. That opinion was, however, entirely agreeable to the opinion which had for many years been entertained by a great majority of that house, and of the other house of parliament, and although the petitioner might have thought his testimony of much more importance than it really was, both with respect to lord Melville and to the speaker of that house, yet he could not see any thing improper or insulting to the house in his introducing those topics in extenuation of his offence. It was in the recollection of the house, that on the day that this business was first brought forward, considerable stress had been laid on the majority having been formed by the decision of the speaker, and therefore the libelling the majority under such circumstances, was an aggravated offence, as conveying a personal libel on the character of the speaker, whose vote made the majority. When this had been relied upon at the time the libel was complained of, it was not extraordinary that the petitioner should positively disclaim every idea of reflecting upon the speaker, and take that opportunity of expressing his respect for his character. For his part, it appeared to him that the decision of the majority of the house of commons should at all times be treated with the greatest respect; but certainly it did not appear to him to be entitled to more respect for having been obtained by the casting vote of the speaker than those decisions which are agreed to, either unanimously, or by very large majorities of the house. The only topics then which were objected to in the petition, were those expressions with respect to the speaker which appeared very naturally to have been introduced in consequence of his having been supposed to have libelled the speaker, and his professions of respect for lord Melville's services, which were urged in extenuation of the zeal with which he undertook to defend his character. All the rest of the petition was merely the expression of sorrow and contrition for having offended the house, and this part certainly could not be objected to.

Mr. *Windham* begged the house would observe how small a part of this petition was taken up with expressions of sorrow and contrition in comparison to what had been allotted to the other topics. It certainly could not be supposed that he disagreed altogether from the opinions stated in those topics, and more particularly in that one which was complimentary to the speaker. His objection was not to the observation itself, but the time and place in which it appeared. It was not the commentary and the criticism itself which he found fault with; they might be very good, but *non erat hic locus.* The petition of a person under punishment for libelling the house was not the place in which a commentary on the conduct of the speaker ought to be found. It was the complexion and character of the performance altogether, that made it impossible to agree to the motion, and he therefore intended to move an amendment.

Sir *William Burroughs* rose to order. He thought it irregular for a member to make a second speech with a view of moving an amendment.

The *Speaker* gave his opinion, that by the rules of the house the right hon. gent. could not make a second speech to move an amendment.

Mr. *Grey* felt extremely sorry to be obliged again to trouble the house on this business. He did not know what was the precise nature of the amendment intended to be moved by his rt. hon. friend (Mr. Windham) but he thought it was evident that the house was now placed in a situation that made it impossible to avoid passing some severer punishment than was at first thought of. If the nature of the composition which was presented as a petition was considered, it would appear to have been written altogether in a strain of defiance and accusation. This was the general tone of it, and nothing proved it more strongly than the defence of the right hon. gent. (Mr. Pitt). Could the house countenance the petition of a person who placed himself in the situation of accuser of one of the parties? Was it not evident that the general object of the petition was to attack those who brought this business before the consideration of the house? He must confess it gave him very uneasy sensations the other night, when he heard an hon. friend of his (Mr. Sheridan) give the term of "milk and water," to what he conceived the grossest libel against the character of the house that ever was submitted to their consideration. It was by no means to be considered as an animated discussion of public affairs, but a mere composition of unqualified abuse against the majority of the house. It was an attack upon their character as judges sitting in a court of justice; it called them intemperate, partial and presumptuous. He, on the former night, had left the libel to the consideration of the house, without making any observations in aggravation, which he now conceived that he had a right to make. He should therefore now state, that gross and enormous as he conceived the libel to be which he had submitted to the consideration of the house, it was in his opinion highly aggravated by the style of defiance which appeared throughout this petition, and which was highly indecent and insulting to the house. He did not exactly know what amendment to move for, but he thought that the punishment ought now to be increased.

Mr. *Canning* thought the hon. member might have spared all those topics that related to the libel itself, and have confined himself to the petition which was before the house. If the hon. member who had himself brought forward this business, was content on the night he brought it forward with the small measure of punishment that was mentioned, or rather with the no punishment, it was not competent to him now to go back and argue that a severe punishment should be inflicted for that offence. The hon. gent. took great credit to himself for being so ready to comply with the suggestion of a light punishment; he should also have given equal credit to the conduct of his right hon. friend (Mr. Pitt) on that occasion. Whatever feelings he might have had in bringing the business forward, was best known to himself; but it was most clear that nothing but a sense of duty to the house could have governed the conduct of his hon. friend on that occasion. Whatever might be the motives of the apparent lenity of the very persons who complained of the libel, it was evident that the motive of his right hon. friend (Mr. Pitt) in suggesting a more serious punishment was, that he conceived it due to the character and dignity of the house, and that even when he was himself in a minority, he felt that the decisions of the majority ought to be treated with the highest respect. As to the part of the petition which contained complimentary expressions towards the speaker, although strictly speaking the petitioner was not to be supposed to know that it had been dwelt on as an aggravation of his offence that he had spoken so disrespectfully of a decision which was determined by the casting vote of the speaker, yet he did not suppose that any member could so adhere to strict formality, as to censure the petitioner for merely answering a charge that had been made against him. Although it might, at first sight, appear somewhat ludicrous to hear the petitioner complimenting the private character of the speaker, yet if that had been left out, and the compliment was only to his situation as presiding over this house, the omission might be complained of with more reason, and would appear to convey something of a reflection on his private character. He wished, however, now, that the editors of papers in general, not only those who conducted daily, but those who published weekly papers, should take notice, and receive warning that a great change had taken place in the system of forbearance that had hitherto been adhered to. Justice, impartial justice, must be done on both sides. A new æra had now begun, and if any general clamour should be raised with respect to the abridgment of the liberty of the press, it must be recollected by the house and the country, on which side of the house these prosecutions first commenced, and who it was who began them. As the petitioner had defended, with mistaken zeal, the man who had been the victim of the anger of that house, was it unfair for him, in extenuation, to shew the causes which had produced that zeal which drew upon him the displeasure of that house? It was certainly fair in him to point out the reason why he entertained so great a partiality for lord Melville; to state the services which that noble lord, and those with whom he acted, had rendered to the country; and it was not extraordinary, or unnatural, that any member of the community, who felt strongly that the salvation of the country, and the protection that he enjoyed in common with all his fellow subjects, was owing to the salutary laws which were then enacted, to be strongly impressed with gratitude for those services, and to undertake zealously, although imprudently, and perhaps presumptuously, to defend a person whom the house had condemned. As to the merits of lord Melville in those times to which the petition alludes, no resolution of the house of commons could erase that page from the history of the country, or from the recollection of the supporters of the constitution. He again repeated, that a great change had now taken place, and that the house and the country must recollect on which side of the house it had begun.

Mr. *Sheridan* said, that although it was peculiarly disagreeable to him to mix in any debate, when his partiality even to the excesss of liberty for the press would interfere with the opinion he would otherwise have formed, yet, on the present occasion, he could not give a silent vote; nor was he to be deterred from giving his opinion by the indecent threat that had been thrown out by the hon. gent. who had spoken last. That gentleman had stated pretty strongly, that it was in the contemplation of his friends to curtail and abridge the liberty of the press, and wished to have it supposed that he and his friends were to be responsible for the determination on the other side of the house to abridge the real liberty of the press. He saw nothing inconsistent in the conduct of his hon. friend, (Mr. Grey) on a former night with his conduct to-night. He had on a former night given way to that disposition for lenity which he perceived to have been then the prevailing sentiment in the house; but when he now found this disposition towards lenity had been abused, and that the stile of the petition shewed strongly the spirit in which the libel had been written, there was no inconsistency in thinking that this lenity had been misplaced, and that some severer punishment should now take place. He confessed that he himself had used the words stated by the hon. gent. and although he gave his opinion that the paragraph alluded to was a very gross libel, yet he called it milk and water comparatively with others which had not yet been noticed. However, he must confess that some bounds ought to be set to the licentiousness of the press; yet when he considered in whose hands the pruning-knife was to be placed, to lop off its exuberances, he was much afraid they would destroy the pith and vital sap of the tree. On this ground he had hitherto opposed all those measures for restricting the freedom of the press; he had opposed all the increase of duties on those smaller publications which might at a cheap rate disseminate general and useful information; he had opposed the bill which required a printer's name to be inserted on every hand-bill; but above all, he had opposed that infamous act (if he might be allowed to call any thing infamous that was still in the statute book), which allowed magistrates and courts to transport persons to Botany Bay upon the second conviction for a libel. Upon the present occasion he had himself been applied to by some friends of the petitioner, and waited on him in consequence. Having read his petition, he entreated him to leave out those passages, and struck his pen across them. It appeared, however, that after he had seen him, the petitioner took the advice of some other persons, and re-inserted those passages. After having done so, he had, however, the decency not to ask him to present his petition. The right hon. gent. (Mr. Pitt) had considered it as a fair set-off in the petitioner to state the former services of lord Melville; if that was any argument, why did not his lordship's defenders in the house make use of it? When the petitioner chose to state that they sat there as a parliament owing to the exertions of lord Melville and his friends, was that language which the house could endure? If it was owing to salutary laws, surely it was to the legislature, and not to one or two individuals, that those laws were owing. It was equally objectionable in a petition to speak of either the merits or demerits of any of the parties in parliament. If a person under punishment for a libel on the character of the house should have taken another ground, and instead of attributing the safety of the state to lord Melville and his colleagues, had attributed it solely to the firm stand which the opposition in parliament had made to all the fabricated plots and conspiracies which had been invented on the part of government, for the purpose of preserving ministers in power and office, such a statement would have been equally objectionable. A petition ought not to be so framed as to revive those topics of discussion which were not relative to the matter before the house. He felt sorry that the petition had been so worded that he could not give it his support. Upon the ground he had stated, he should find himself obliged to agree in the vote of his hon. friend.

Mr. *Dent* thought the petition contained no matter that could be adduced in aggravation of the original libel. It appeared to him a great inconsistency in the hon. member, (Mr. Sheridan) to give credit to the legislature for the salutary laws it had enacted, and yet give no credit to the administration who had brought them forward.

Mr. *Sheridan*, in explanation, said the hon. gent. had completely misunderstood him. He neither meant to give credit to those laws as salutary, nor to the government that introduced those laws.

The *Attorney General* thought it was a most extraordinary speech which the house had just now heard from the hon. gent. (Mr. Sheridan). His expression on the other night was a remarkable one, and would not easily be forgotten. He had described the libel as a "mere milk and water" production, when compared with many others, and yet this night he found out that it was a most grave and serious libel. The great zeal that some gentlemen now shewed to punish a libel on the majority of the house, appeared difficult for him to account for in any other way than he had already done, by supposing they were attached to majorities, or minorities, exactly as they themselves happened to belong to the one description or the other. Having now found a libel on a majority to include themselves, they were ready to vote for increasing the punishment.

Mr. *Whitbread* considered that his hon. friend (Mr. Sheridan) had properly stated the grounds from which the disposition to lenity on a former night proceeded. There were two solutions of it. In the first place, his hon. friend (Mr. Grey) had complained of a libel; the house unanimously agreed that it was a gross libel; and, under these circumstances, it was not surprising that his hon. friend (Mr. Grey) should, as usual, feel a greater disposition to lenity than the right hon. gent. (Mr. Pitt). If the fact, however, was, that it was one of the minority of the 8th of April, who both wrote that libel and drew up the petition, it was not extraordinary that that hon. member should warmly defend his own productions. The set-off in this case is curious. The editor, who is punished for libelling the majority of the house, tells you, in his vindication, that he has very frequently libelled the minority. Was it to be endured, that an editor of a newspaper should tell the house of commons that he had sat in judgment upon them and their proceedings, and pronounced his applause or his censure on the different parties in parliament as he thought fit? This set-off stated, that lord Melville had been an old and faithful servant of the crown. It had, however, been proved, that for more than 16 years of the time he was in office, he had been an unfaithful servant; and that the principal object of him and his colleagues was to cling to office as long as they could. As to the party heats which prevailed at those times, they were in a great measure gone and obliterated from the page of history. The right hon. gent. himself (Mr. Pitt) had, if there was any faith in man, proposed and recommended his hon. friend (Mr. Fox) as a fit person to hold a high office in the government of the country; and, therefore, he could not have supposed that he deserved those scandalous libels which had been thrown out against his character. Without wishing for any severity of punishment to be inflicted on the present occasion, he should be very glad that the hon. baronet would see this petition in the same light that it appeared to him in, and consent to withdraw it for the purpose of preparing another that would be more decent and seemly. The expressions in the first part of it would be sufficient to obtain the object, and the remainder had much better be omitted. He then appealed to the hon. baronet, whether it would not be better to withdraw his petition?

Sir *H. Mildmay* answered, that he had heard nothing in the latter part of the discussion which altered in any manner the opinion he had before formed.

Mr. *Ryder* thought that the topics objected to had been very fairly and naturally introduced into the petition, and if the house was to consent to have the petition withdrawn upon these grounds, he thought it would convey a severe reflection and libel on the conduct of that government to whom the country had been so much indebted. Although he by no means wished to revive party animosities, yet he considered that the petitioner had a right, when the question came in his way, to state, in extenuation, the reasons for which he felt so much zeal in the cause of lord Melville; and, for his part, although he was not at all personally acquainted with his lordship, he should not hesitate to say, that whatever offences he may have committed, he had rendered great and important services to his country.

Sir *John Newport* wished to give an hon. member (Mr. Canning) an opportunity of explaining what he meant by saying lord Melville had fallen a victim to the anger of that House?

Mr. *Canning* did not recollect having used the expression: he thought he had said the displeasure of the house, and that even that phrase he had given with a qualification.

Lord *De Blaquiere* thought the origina llibel was much aggravated by the stile of the petition. He did not think that the house should take notice of every sentiment that was put in writing by a blockhead. He could not bring himself to think that a man was worth notice, who would not take advice even for his own relief. The hurry of the press was given in excuse for the original paragraph; but, it should be recollected that the circumstance upon which that writer had thought fit to comment, took place before the recess, and it was not right to admit any thing which was untrue as an extenuation. He had received good advice, and had not availed himself of it, but had acted in opposition to it; he thought he should not be allowed to pass with impunity.

Lord *Marsham* thought equal credit was due to those who first brought this business forward, and those who, when it was brought forward, decided on it according to what was due to the character of the house. He did not think that every printer should be allowed to appoint himself a censor of the proceedings of that house. He, however, did not wish the punishment to proceed any farther, but should be glad that a more seemly and becoming petition was presented to the house, than that which had been read.

Mr. *Whitbread* then said, he should move that the petition be negatived and returned to the petitioner, in order that another might be immediately presented which would be fitter for the house to receive. The first page of the petition would be fully sufficient.

Mr. *Fox* appeared to think the previous question would be the best way of disposing of it.

The *Speaker* thought that the previous question could not be put upon the motion in its present form.

Mr. *Whitbread* then said, he should negative the question, intending, however, to vote for the receiving a petition that might be unobjectionable immediately after.

Mr. *Wiberforce* said he was a friend to the liberty of the press, and particularly as it related to subjects of a political nature, which were more important to be discussed than any other, as far as the interest of the public was concerned; and for that reason he should be disposed to make greater allowance even for excess of liberty in those topics than in others, because they were more likely to lead men to a warmth of expression than any other, and because they ought to be discussed with greater boldness, and boldness of discussion naturally lead to excess, upon some occasions. He allowed also what had been hinted at already, that wherever any one was accused of misconduct, it was but fair that he should call his conduct, previous to that accusation, in aid of his case, as it might operate to soften the rigour of judgment against him; and therefore he should, in a case like the present, be among those who were disposed to be most liberal; for he wished to allow all possible latitude to political discussion. He therefore wished to see no attack made on the liberty of the press, for which reason he could have wished that this had not been made matter of complaint; but being brought forward, the house must dispose of it in the best manner it could. And here he, with all his partiality for the liberty of the press, could not help observing, that the stile and mode of the petition were such as he should not wish to hear at the bar of that house. He trusted he should not often see a person, whose general conduct he might approve, making the sort of apology now offered to the house; for although he admitted that an apology should not be too humble, yet, when it was made at all, it should have been made to the whole house of commons, for when any attack made upon it became subject to the censure of the house, the apology, whenever it was made, should be made not to one side of the house, but to the whole house, and if any person had incurred the displeasure of the house and made his apology, when he solicited its forgiveness, the apology should not be allotted to that party which usually constituted its majority, or with a view to procure to the petitioner the favour of those whom he might conceive constituted the majority of the house, for that was language totally improper for a supplicant. Now, if he recollected the words of the petition correctly, there was one among them of an ambiguous meaning; it was not the word sorrow, but regret; so that it reminded him of a story, wherein a person who had been guilty of a crime and apprehended for it, being called upon to make his apology, said he was sorry, not for the act, but for his being taken. But whatever course was taken, the house would take care of its character, and that if the present petition was withdrawn, the house did not enter into any compromise with the petitioner as to what sort of petition he was to be at liberty to present. He did not think that the dignity of the house should be engaged in discussing what petition would be right, but it was sufficient to say that the present was not so. Supposing the house to be of that opinion, he wished it to be understood, that if the present petition was not received, it was because it was not in that stile of expression which ought to be presented to the house of commons in behalf of a person who had offended its dignity. The present petition appeared to him to be deficient in the temper and view of it, for it was apparently preferring one part of its members to others. He would suppose that a person came to receive the sentence of a court of justice, and that he were to present a petition to the judges, and suppose he were to endeavour to set one part of the bench against the other, and that, instead of intreating the lenity of the whole court, he had endeavoured to foment a quarrel among the judges; such a person, he apprehended, would not be considered as having thereby done any thing tending to mitigation of punishment. On the whole of this matter, he did really think it such as he had already stated it to be. It was a case in which the petitioner ought to make an apology, but he confessed he was not for a very humble apology; merely a gentlemanly apology, but that such apology should be made to the whole house of commons, and not to one side of the house, which he could not help considering to be the case in the present instance.

The *Solicitor General* said, that with the opinions of the hon. gent. behind him (Mr. Wilberforce) he entirely concurred, and with those of the noble lord sitting below him likewise, for he concurred in the sentiment, that the apology ought to be offered, not to one side of the house, but to the whole house. He concurred in the observation, that whenever a libel was published on the house of commons, it was not one side of it only that ought to be offended, but the whole house ought to be so, and most undoubtedly was so. In such case the dignity of the whole house ought to be vindicated; and if any petitioner had endeavoured to make his escape from the indignation of the house by conciliating one part of it instead of the whole house—if he endeavoured to shelter himself by any such attempt, the judgment of the house would only be the more severe against him. But he had been accustomed, when he heard an argument on any document, to look at the document itself, instead of taking the contents of it from the description of another, before he drew any conclusion from it; in other words, he chose to examine the premises before he drew any conclusion, because if the premises were not true, the conclusion was not likely to be correct.—Now his hon. friend behind him (if he was allowed to give him that name) had observed that the apology ought to have extended to the whole house in this case; and he had observed there was no *sorrow* exprest in the petition; there was only *regret* stated. Hearing that stated from that hon. member, who was usually accurate in his expressions, he was induced to look at the petition itself, and by it he found that the words were these—"Your petitioner humbly hopes, on this acknowledgment of his sincere sorrow, that this hon. house, in the plenitude of its condescension and liberality, will be pleased to pardon him." Now, he thought this was a complete answer to that part of the observation of the hon. gent. behind him. He confessed he was very much struck by what fell from an hon. gent. on this occasion who sat below him, that the offence in this petition was not matter of accident, but had been pointed out to the petitioner, and that he had refused to withdraw that which was offensive. If there was matter of offence in the petition, he should not have attempted to defend it, for he could not think of defending any thing that was justly deemed offensive to the house, and that the more especially, if the offensive part had been pointed out to the petitioner; in such cases, he should agree with the noble lord, that the petitioner was not entitled to any favour; but there again he was induced to look at the premises before he arrived at the conclusion. He agreed it was not the business of a petitioner, when he came to ask for favour of the house, to endeavour to set one part of the house against the other; but he must look into the petition to see whether that was the fact, and he found nothing of that sort in it. It was not unnatural for a man, accused of having attacked the proceedings of the house, that he should, in mitigation of its sentence, plead that on former occasions he had defended the house; vainly thinking, perhaps, that his labours were more important than in truth they were; but it was not an unnatural thing for an accused person to do so; it was on the contrary the uniform practice of men in every situation, when they were accused of misconduct, in any particular case, to refer to their former conduct, not as a justification of an improper act, but as an extenuation; but the house would not censure a person for making that reference, even if it should think that he had attached more value to his labours than they had. What were the facts in this part of the case? They were no more than this: the petitioner stated, that formerly the conduct of the house of commons was attacked by certain societies then existing in this country, and that he, as far as his ability could go, defended the house against the evil designs of those societies:—that might be a vain declaration also; but surely it was no aggravation of his offence. He would not represent this part of the case in milder terms than the petitioner himself had used; the words were these:—"That your petitioner is emboldened to solicit your indulgence and forgiveness on his well-founded assurance, that during the several years in which he has conducted a newspaper, it has uniformly been his principle and pride zealously to support the character and dignity of the house of commons, and that it has frequently fallen to his lot to have vindicated both, from the charges of societies expressly instituted to bring them into public disrepute and contempt."—There might be no merit in all this; there might be but little consequence in what he had done, but surely there was nothing culpable in the statement of it, and this was the whole extent of what the petitioner had said. But with respect to what he had said of the character of lord Melville, if he had attempted to vindicate lord Melville on the grounds which the house had disapproved, he should not have attempted to support this petition, but he had not done so; and rather than that he should be supposed to say more for the petitioner than he said for himself in this respect, he should quote his words, the substance of which was, that the petitioner thought the former conduct of my lord Melville was such as entitled him to the gratitude of his country, in which he had not gone further than he ought, perhaps, to have gone on the present occasion. The words of that part of the petition were these:—"In any observations your petitioner may have published on the conduct of lord Melville, he could not but bear in mind, that the views of those societies, abetting domestic treason, and assisted by the co-operation of the revolutionary power of France, would, he verily believes, have effected the destruction of the British constitution, had not the wise and efficient measures brought forward by that administration in which lord Melville held so conspicuous a situation, been adopted, and this hon. house would not, in that case, perhaps, have been now in existence, either to censure lord Melville or to pardon your petitioner." This was a mere statement of the object of certain societies to break in upon the functions of parliament, and of the part which lord Melville, as a conspicuous member of executive government, took in frustrating the designs of such societies, in which statement there appeared to him to be nothing indecorous. He could not find, in any part of this petition, any thing of that offensive matter which had been alluded to by by several gentlemen who had spoken in this debate; and if there was any thing that might be considered as transgressing the bounds of the most perfect propriety in the petition, he was not asking too much, he thought, when he asked the house to make some allowances for the possible misconception of a man in the situation of this petitioner. If any of the expressions in the petition were, and he did not admit they were, but supposing them to be so, they could not aggravate his offence when they were dictated by a spirit which intended to lessen it. The petitioner at least thought he was not doing wrong, and therefore ought not to be held guilty of any intention to offend, and intention alone constituted true guilt in cases of this kind. He considered these societies to which he had alluded, to have had some mischievous designs. He considered that lord Melville had been instrumental in preventing what he apprehended to be great mischief; under these circumstances he could not think there was any thing in this petition which deserved the reprehension of the house. It was not for the purpose of reviving animosities in the house, that the petition had adverted to these topics, but merely to set forth what it was which had actuated his conduct, and what made him venerate, as he did, the character of lord Melville; for these reasons, the solicitor general declared, he found himself called upon to support the motion of the hon. baronet, to call the petitioner to the bar, in order to his being discharged.

Sir *H. Mildmay* explained, and observed, that although the petition had been shewn to the hon. gent. on the other side (Mr. Sheridan) it did not contain now any part of the paragraph to which that hon. gent. objected, except the two last lines.

Mr. *Sheridan* explained also, observing, that he did not mean to say the whole of the paragraph to which he objected when he saw the petition was in it now; but part of that paragraph was retained, and to that part he objected.

Mr. *Atkins Wright* observed, that when he first called the attention of the house to this matter, and submitted the propriety of passing it over rather than prosecute the author, he did not so much as know the name of that gentleman. He was still unacquainted with him. He gave his opinion freely, and he was upon reflection confirmed in the propriety of that opinion. He thought the house ought not to consume more time on this occasion, but to proceed to other important business which remained to be heard.

Mr. *Sturges Bourne* said he had no wish to procrastinate this debate, but he could not help taking notice of what had been said by some gentlemen to-night of the necessity of the house availing itself of the power of punishing its accuser, and insisting that the petition ought to be withdrawn, and that the petitioner should present another. He was astonished at a good deal of what he had heard on this occasion. He thought that this power of the house ought to be reserved till great occasions called for it, where the offence to the house was serious and deliberate, and not as in this case the effect of haste and mere inadvertence. He had observed some gentlemen very forward in calling themselves the advocates of the liberty of the press, but in their actions they had added to the restraint of it. He alluded to the case of Mr. Reeves, when a certain publication of his had been charged to be a libel upon the constitution of the country, and it was referred to the consideration of a committee of the house of commons; that committee examined a great deal of evidence on the subject, and admitted much under the head of evidence which a court of justice would not have received; and afterwards the hon. gent. made a motion for punishing the author by the authority of the house itself—thus blending two characters, which ought to be united as seldom as possible, that of accuser and judge. Not that he meant that such a thing should never take place, for there might be circumstances in which even that would be unavoidable, but he was sure it ought to be rarely done. This author, however, was sent with his book to a court of justice, where he was tried and acquitted by a jury of his country, and the hon. gent. opposite to him, who had so repeatedly boasted of his attachment to the trial by jury, as well as the liberty of the press, had quoted this case on a former night, as a reason for not sending such cases to be tried by jury. With none of these principles did he agree. He was so far from thinking that the power the house possessed of being both accuser and judge was a reason why they should themselves punish any one who offended it, that he thought it a reason of itself why the house should be extremely tender of adopting that course. Gentlemen had opposed the bringing of this petitioner to the bar on this occasion, and had been pleased to say that he should be at liberty to present another petition. This, he confessed, appeared to him to be shewing very indifferent attachment to one of the best principles of our Constitution, a perfect and tender regard to that sacred right of the subject on which the redress of grievances so materially depended, he meant the right of petitioning. He knew of no constitutional principle by which that house should reject any petition which was not worded in an offensive manner, still less did he understand the principle on which the house should dictate to any petitioner the form in which he should frame his petition. There could be but little freedom where the party petitioned should dictate the form in which the petition should be drawn. All petitions which were not disrespectful to the house were regular, and which the house, therefore, ought to receive. He believed that in this petition there was not a single sentence, word, or syllable, which reflected on the house, or on any part of it. It alluded to certain societies which formerly existed in this country, and to the efforts which certain members of the house made to counteract the machinations of such societies. Why should that give any offence to any members of that house? Were there any gentlemen in the house who wished to identify themselves with those societies? How they could feel themselves uneasy under this allusion was what he was at a loss to comprehend, and until now the house had not been called upon in this case to exercise either its vengeance or its anger.

Mr. *Sheridan* explained, and observed, that the hon. gent. had not accurately recollected the case to which he referred, and which recollection he intreated him to improve, for he was wrong in every fact he had stated concerning it. He never moved in his life against the press. The motion alluded to was made by an hon. gent. then member for Bridport (Mr. Sturt) who was not now a member of the house. The house came to a determination of appointing a committee, which elected him chairman, by which committee the publication in question was deemed a gross and scandalous libel. A motion was afterwards made, that it should be burnt by the hands of the common hangman. The matter ended in directing the attorney general to prosecute the author. The case went before a jury, who acquitted the author, and that was the history of the whole case.

Mr. *Sturges Bourne* explained, and observed, that he did not apply what he said to the motion of the hon. gent. who spoke last on that occasion, but to the language he held forth in the debate, by which he called for the heavy punishment of the house on a person who was ultimately acquitted by a jury.

Sir *Ralph Milbank* thought the words used by the petitioner were indecent, and such as the house could not, without a surrender of its dignity, pass over without some punishment to mark the sense it entertained of the misconduct.—The house then divided, for the motion 142—against it 121—majority 21.

The petitioner was then brought to the bar, where he received a reprimand from Mr. Speaker, and was ordered to be discharged out of custody, paying his fees.—The reprimand was as followeth, viz.—"Peter Stuart, you having confessed that "you were the printer and publisher of a "paper which has been complained of to "the house as containing libellous reflec-"tions upon its character and conduct;—"this house resolved that you were thereby "guilty of a high breach of its privileges, "and ordered you to be taken into custody. "By your petition you have this day ex-"pressed your sorrow for your offence, "and acknowledged the justice of your "punishment; and thereupon this house, "in its lenity, has ordered that you be now "brought to the bar to be reprimanded "and discharged. I have now, therefore, "to reprimand and admonish you, as a "warning to others, that this house doth "and will resent it as a high offence in any "man who shall presume to slander its cha-"racter and conduct, and endeavour to de-"grade it in the public estimation. You "being now reprimanded, it is my duty "further to acquaint you, that you are dis-"charged;—paying your fees."

Mr. *Whitbread* moved, "That what Mr. Speaker hath said in reprimanding Peter Stuart be entered on the Journals of this house."—Ordered *nem. con.*

[Vote of Thanks to the Commissioners of Naval Enquiry.]—Mr. *Sheridan*, in rising pursuant to his notice, observed, that if there were any persons in the house who were indisposed to concur in the motion which he should have the honour to submit to the house, who should come with reluctance to a vote of approbation respecting the conduct of the Commissioners of Naval Enquiry, he could not but consider the discussion unlucky that had rendered it necessary for him to rise at that late hour. He trusted, however, that it would not be necessary for him to occupy much of the time of the house, and as he thought that the general feelings of the house, and of the country at large, were with him, it would, perhaps, be the best mode to submit his motion without other comment or preface than simple reference to the Reports on the table. But as the right hon. the chancellor of the exchequer had expressed his disapprobation of the conduct of the commissioners as in some instances unbecoming, it would be necessary for him to preface his motion with a few observations. But he should not dwell on the subject at any length, as he trusted that the right hon. gent. if he did not retract would at least not press his objections to the motion. Notice was given of the right hon. gent.'s intention to renew the commission. Surely, if the commissioners were to be re-appointed, they ought to have distinctly pointed out to them what appeared erroneous or unbecoming in their proceedings, that such errors might, in future, be avoided. Knowing, then, that some objections did exist, it was necessary for him to request the attention of the house for a few moments previous to his submitting his motion. It was almost needless for him to state what were the circumstances under which the commissioners had been appointed. If they had done their duty well, they had done so under peculiar circumstances, and in opposition to formidable difficulties. They were not called on to investigate the small peccadillos of clerks and underlings in office; they were required to investigate the abuses of the heads of great departments, to look men in high situations in the face, and, acting with firmness and intrepidity, to expose abuses wherever they fell under the range of their inquiries. Very different indeed was the task of the commissioners who had been appointed under the auspices of the right hon. gent. to which, on a former day, he had felt it his duty to call the attention of the house. The right hon. gent. had recommended to him to read the terms of that commission, to be convinced of his erroneous view of its nature and extent. He had attended to that recommendation; he had fully considered the terms under which the commissioners were to act, and his opinion remained unchanged. A full power was indeed given to the commissioners to make the fullest investigation, and no fifth clause existed to shelter any one from answering whatever questions were put to him, even if the answers should have a tendency to criminate himself. There was, however, an important distinction to be attended to, and that was, while the principals in the different offices were to remain unmolested, the whole weight of inquiry or censure was to fall on the subordinate officers. Indeed the right hon. gent.'s act was one of the most liberal, polite, and well bred acts of parliament that ever was framed. It took it for granted that it was impossible for a principal in an office to be guilty even of the least irregularity; but he might be the willing and active auxiliary of the commissioners, by compelling all those under him to give them whatever information they required. Thus came the right hon. gent.'s commissioners to the execution of the duties committed to their care, and he had surely no occasion to remind the house under what circumstances the commissioners of naval enquiry entered on their duties. When their appointment was first proposed, it was contended, even by some hon. gent. on his side of the house, that the appointment was unnecessary; and it was artfully insinuated through the country, that it was not a board of commissioners, but a body of inquisitors, that was about to be established. It was well known, that lord St. Vincent was the person who proposed the establishment of the commission, and no sooner were they appointed than the character of his lordship was on all hands assailed; various motions were threatened, and one hon. baronet had brought forth a positive charge, though, unfortunately, not one member of the house could be found to second it. Such was the situation of the commissioners almost immediately posterior to their appointment. The house would also bear in mind that the right hon. gent. opposite (Mr. Pitt) brought forward a motion positively accusing lord St. Vincent of improper and negligent conduct in the administration of the affairs of the navy. And here it would be easily seen, that the commissioners were placed under very disadvantageous circumstances, considering that the character of him under whose auspices they were to act, was thus directly attacked, on the score of incapacity. To this attack a total change of administration succeeded; and here again the commissioners had to contend with new difficulties—they were to carry on their inquiries when all those on whose support and encouragement much reliance was to be placed, were removed from office. Indeed, from the language of the right. hon. gent. on his return to office they had little hope of encouragement. He had then declared that, from all he had seen, and all he had heard, or known, every one of his reasons for attacking the administration of the noble lord had been confirmed, and the commissioners were to act under the impression that the conduct of the noble lord who had established them was peremptorily condemned. With all these difficulties, with all these undeniable disadvantages, they had, however, proceeded with intrepidity, and the public saw what was the result. The grand obstacle in the way of their inquiries was derived from the most extraordinary use to which the fifth clause of the bill under which they acted had been applied. It was quite clear that the commissioners never expected that this clause should be applied to the purposes which their own reports explained, or that even in the office of the treasurer of the navy, which was as it were the flag-ship to all the other offices, they should begin to experience the most serious difficulties in the execution of their duty. What then appeared on the face of their reports? On the 10th of July they send a precept to the treasurer of the navy (Mr. Canning), requiring the production of certain documents essential to the proper prosecution of their inquiries, and receiving no answer, they repeat the precept on the 17th of the same month. The 2d of October arrives, and previous to that period his right hon. friend had given the commissioners no sort of information. Was it then to be endured, that commissioners acting under the authority of the three branches of the legislature should thus be trifled with? Was any gentleman, however high his influence or extensive his power, to set their authority on a subject of such vast importance at utter defiance? Yet all these difficulties had been overcome by the indefatigable zeal, diligence and fortitude of the commissioners. The house would keep in view that, with respect to the distribution of the public money, three great duties were to be performed. In the first instance, the house had to grant supplies adequate to the exigencies of the public services, founded on proper estimates laid regularly before them by the express command of his majesty. The ways and means to provide this supply were next to be considered; and it was the object of the house to lay the burthens on the people at large in a manner which would operate with as little severity as possible. The third duty of the house was one, however, still more important, and one without which the other two would be in a great measure nugatory and inefficient, and this was the mode in which the votes of the house were to be applied. The two first of these duties could only be exercised by the house itself; but it was frequently the custom of the house to delegate the other to commissioners; and certainly if such commissioners were appointed, it became a matter of the highest interest to see that they were implicitly obeyed. If the house delegated to certain individuals the most important of its powers, it was proper that these individuals should be sensible that they were to meet with ample encouragement and support. Without confidence, their labours for the discovery or the correction of abuses could never produce any satisfactory result. At this moment, there was a notice of the renewal of the commissioners of naval inquiry, and it was therefore proper that it should be fully understood in what light their conduct was regarded by those who had such means of giving their conduct and inquiries full efficiency. It was not sufficient to say that their conduct was, on the whole, worthy of approbation; or, that there was more to praise than to blame in their exertions for the discovery and correction of abuses. The commissioners were professedly selected out of the talents, the respectability, and the worth of the country, and it ought, therefore, to be fairly understood, whether their conduct was not admitted to be such as to entitle them to unequivocal approbation and confidence. If this was not allowed by those who were to bring forward the proposition for the renewal of the commission, then he himself must insist, that though the commission was renewed, other commissioners ought to be appointed. It was ridiculous to say, that if they were unfit, other gentlemen fully qualified for the task could not be procured. The right hon. gent. was bound to state his opinion fairly to the house, for he himself was resolved that the re-appointment of the commissioners should take place under no compromise.—Having said this, he wished briefly to direct the attention of the house to what the commissioners had done, to what remained for them to do, and then it would be seen whether they ought to be re-appointed. The attention of the house had been so much attracted to the tenth report, that the other reports of the commissioners had been passed over with comparatively small notice. In the other reports, it was true that nothing of so high game was disclosed, but many gross frauds had been brought to light, many important improvements had been recommended. In all of them the ability, the diligence, the unconquerable fortitude of the commissioners had been eminently conspicuous. It would not be necessary for him to go into any detail, but it was proper just to give a sketch of what each of the reports contained. In the first report it was ascertained that in the offices in Jamaica connected with the navy, the public, through the negligence and fraud of one of the officers, sustained a loss of about thirty-six thousand pounds in bills, and upwards of one hundred and thirty-five thousand pounds from lavish waste, and other causes arising from the manner in which business was conducted. The second report referred to the mismanagement of the chest at Chatham, and displayed a scene of the most infamous peculation. The rewards allotted to our brave seamen for their meritorious exertions in defence of all that is dear to freemen, had been found to have been most shamefully misapplied. In many cases the harpies of agents had appropriated nearly thirty-four per cent. of what was intended to assuage the sufferings of those who had bled in the cause of their country. The necessity of entering an appearance once in three years, even from Ireland and the most distant parts of the island, only to ascertain whether veterans and invalids had grown younger, was properly exposed by the commissioners, and a suitable remedy had been provided. The third report was on the infamous overcharges in the dock yards. The house and the public would form a pretty good idea on the subject, when they were given to understand that, in one article, there was a charge of one thousand and forty pounds, when before the commissioners it was found that thirty-four pounds was the fair price. These evils had been sifted to the bottom, and the gross frauds of those who were fattening on the public would now happily be prevented. In the fifth report the evils of the sixpenny office, so essential to the proper provision made for invalids in the navy, were fully exposed; and the sixth very clearly shewed that vast sums were charged for work done in the dock yards, not one-third of which was ever performed. The commissioners stated a sum of nearly eight hundred thousand pounds, one-third of which could not be accounted for in a satisfactory manner. In the seventh report a case was stated of the repairs of the Amaranthe, in Woolwich dock-yard, where the expence had been carried as high as three thousand eight hundred and fifty-three pounds, whereas on examination it appeared that somewhat more than five hundred pounds was the real amount. The ninth report related to the receipt of stores in Plymouth dock, and though the matter was not sufficiently elucidated, enough was stated to shew that gross frauds had existed. On the tenth it was needless for him to enlarge, as it had sufficiently attracted the attention of the house and the public. The eleventh report he should not now insert, as it was to be the subject of a specific motion by an hon. and learned friend of his on no very distant day. He begged leave, however, in the mean time, to call the attention of the house to this report, as one of very high importance, as one which disclosed transactions equally contrary to law and to fair constitutional principles, as were indeed calculated to give a vital stab to the credit and character of the country.—Having thus gone through the different reports, all of which evinced the most commendable diligence and zeal, the hon. gentleman next specified what yet remained for examination. There still remained the proceedings of the navy board, the victualling, the transport, and the sick and hurt boards. Of the necessity of investigating this last board, no doubt could exist, after what an hon. admiral (Markham) had said, that of all the boards hitherto unexplored, this was the most grossly corrupt. The dock-yards abroad, too, opened a wide field for inquiry; he believed, in many cases, it would be found that charges of nineteen shillings a ton were made, when four shillings and twopence covered the whole expence. The ordnance department, also, would come in for its share of investigation; in many cases gross frauds were committed, and there was one case where fifty thousand stand of arms were purchased, after surveyors, properly appointed, had declared them unfit for service. They had also to enquire how far the officers in the treasury knew of, or had any feeling in this transaction; and, last of all, they had to enquire into the expenditure and abuses of the money which ought to be appropriated for the benefit of Greenwich hospital, that noble and beneficent asylum for our brave and gallant seamen, after they have lost their limbs, exhausted their constitutions, or worn out the best part of their lives in the service of their king and country. If they have such material business still to perform, which cannot be done without a continuation of that zeal, firmness, ability, and fortitude, which they have exerted on every former occasion; after the slurs and insinuations which have been thrown out against their conduct, it became peculiarly incumbent on the house to convince them on the present occasion that, in continuing them in the performance of those arduous duties they had yet to sustain, they might depend upon receiving every encouragement and support which the house could give them. Reform, he said, was a thing which, on all occasions, had been most odious; but at present there was such a host of contractors, jobbers, and other descriptions of persons, who were used to derive advantage from the improvident expenditure of the public money, that the outcry against the commissioners, and the resistance made to their efforts for the public service, were such as had never been experienced at any antecedent period. On these considerations, he thought, that if any material objection were brought by the right hon. gent. or others, against the vote of thanks he was about to move, the house ought not by any means to encourage the idea of their re-appointment to the same commission. But, if there were no such objections, it was the duty of the house to stand forward, and to say, with that commanding force which should be heard from one end of the kingdom to the other, that these commissioners have hitherto nobly and honourably executed the high and important trust reposed in them by the house; and that in what they have hereafter to do, the house will chearfully support them to the utmost extent of their power. He would not, therefore, detain the house any longer than to read his motion, which he did accordingly to the following purport:—"That it appears to this house, that the Commissioners appointed by an act of the 43d of the king, to enquire into the irregularities and abuses committed by persons employed in the several naval departments, have, as far as appears from their reports hitherto made, exerted themselves with great diligence, ability, and fortitude, and that the whole of their conduct, in the execution of the arduous duties intrusted to them, is intitled to the approbation and thanks of this house."—The motion being put from the chair,

The *Chancellor of the Exchequer* rose, not to object to the motion, but to offer a few general observations on what had fallen from the hon. member in the course of his speech. If the sense of the house was, that the commissioners should be thanked now for their past services, he should not oppose the proposition; but he could not help thinking that there existed no precedents for such a mode of proceeding. The precedent of the vote of thanks given to the commissioners of accounts did not apply, because these commissioners had not only given in a number of reports; but the reports had been fully canvassed by a committee of the house. That committee had reported on the statements which the reports contained, and it was on this that the vote of thanks was grounded. In this case, however, only one report had been minutely considered, and therefore he put it to the house, whether the vote of thanks would not be much fuller and much more comprehensive, if it were given after the reports were fully considered and digested. This he put to the consideration of members, though, as he had already declared, he should not press for any division of the house on the subject. As to the call which the hon. member had made on him for a clear statement of his objections to certain parts of the conduct of the commissioners, he felt it necessary to make a few observations. He fully admitted, that commissioners appointed to examine into great public abuses, ought to exhibit a proper degree of firmness as well as zeal; but there was a mode of exhibiting that, which was at all times to be attended to. The truth was to be got at by all possible means, but the character of individuals should be as little as possible precluded from a fair opportunity of full discussion or subsequent vindication. In several cases a prejudice was created against individuals, before the report was fairly before the legislature, and therefore he thought, that any surmises to the prejudice of individuals which had transpired before the reports were completed, were not to be justified. He objected also, that the reports were drawn up and presented, without allowing individuals accused to justify their conduct, or indeed fully to understand in what light the report would place their character. The commissioners had a right to use every means to come at the truth; but then it was surely not inconsistent with the most rigid inquiry to call on individuals to explain their own evidence. It appeared that those commissioners refused the opportunity of explanation to several persons whose names were mentioned, whose characters were affected by their reports; and it was equally apparent, that had such opportunity been afforded, the characters of such men would not have suffered. This was particularly the case of the comptroller of the navy, who stood charged in one of the reports on the table, with having, contrary to his duty, applied money voted for the navy, to other services, without the knowledge of the first lord of the admiralty. Upon this head, it was now obvious to every man, indeed a recent conversation in that house had made it so, that if the request of sir A. Hammond to the commissioners, to be allowed to explain, had been granted, the impression would have never gone abroad respecting that officer, which the premature report of the commissioners had created. It was not a little remarkable with reference to this point, that although lord St. Vincent was applied to by the commissioners for explanation respecting the Stone Expedition, which it was now quite clear was fully known to that noble lord, no opportunity of explanation would be granted to sir Andrew Hammond, notwithstanding his special request. There was another part of the conduct of those commissioners of rather doubtful propriety, if indeed it could be at all said to come within any notion of propriety. It was that which in the eighth report, alluded to the conduct of a grand jury. A person was charged with stealing casks at Plymouth, and a bill of indictment was preferred against him. This bill was thrown out by the grand jury, and the solicitor who was employed to conduct the prosecution, wrote to the victualling office to say that the grand jury was tampered with. Upon the authority of this letter those commissioners thought proper to publish such a statement in the eighth report. Was it right to throw out such an insinuation as this to the public, and particularly upon such grounds? Was it discreet, was it fair, to charge a respectable body of men with perjury? for the charge amounted to nothing less. Those commissioners were also accused of having improperly alledged that the high price of stores which was complained of in the West Indies, was owing to the neglect of the navy board to send out stores for the service of our fleets in that quarter in due time, according to their duty. Now it appeared that the navy board had not omitted to attend to their duty in this case. For they had sent out two ships in proper time laden with stores, which ships were lost, and to that loss was attributable the high price of stores which was complained of. This fact was, he understood, communicated to the commissioners, and if so it certainly ought to have been stated. If the fact were so, the house would judge whether any charge attached to the navy board, and whether the commissioners acted fairly in attempting to impute it. When they reported the fact respecting the price of stores in the West Indies, and undertook to ascribe that evil to the navy board, they ought certainly, in fairness, to have annexed to that report any communication they had received from that board in vindication of its conduct, particularly such a material communication as that he had alluded to. The commissioners might say that they had not received this communication at all. He could only state to the house what he had been informed. It had been also told to him that one of the commissioners of the navy, Mr. Gambier, was examined before the naval commissioners, and some of his answers were inaccurately taken down by those commissioners. These inaccuracies were printed and corrected, and yet in the appendix to the report, the inaccuracies remain without the corrections. The same complaint was made with respect to the testimony of a principal clerk to the navy board. This clerk made a memorandum of all his answers—several of them were found to be incorrectly noted by those commissioners—such incorrectnesses, upon being pointed out by the clerk, were admitted and corrected. Still the omission appears in the appendix. Now those corrections which are omitted are all stated to be material to form a fair judgment of the conduct of the navy board, and, if so, their omission cannot induce a conclusion favourable to the character of the commissioners to whom the motion before the house referred. Indeed, if the facts were well founded, which he laid before the house precisely in the manner they were mentioned to him; if these commissioners suppressed any documents with which they were furnished, and which were at all necessary to enable parliament and the country to decide upon the characters of men whom their reports affected, he would leave it to the house to judge of the propriety of adopting a vote of unqualified thanks to such a commission. With such information before him, however, he hoped the house would feel satisfied that the exception he had thought it his duty to make to these commissioners did not rest on light grounds; that there was nothing in it so warm, intemperate and unjust as some gentlemen seemed to imagine. At all events, it could scarcely be denied, that previous to a vote of indiscriminate approbation, each of the points he had stated should be distinctly and minutely inquired into, and each of the reports before the house fully examined. Still, notwithstanding this impression upon his mind, he would leave it to the feelings of the house to take whatever course it might think proper, but he would not himself press any particular motion.

Mr. *Fox* then rose. He animadverted on the several charges which had been advanced by the right hon. gent. who spoke last against the commissioners of naval enquiry. As to the first, which regarded what the right hon. gent. professed to consider the premature publication of any of the subjects referred to in the several reports from this commission—he could not deem it any fair ground of accusation against the commissioners; for it did not appear that they had designedly given publicity to the rumours referred to. Besides, indeed, whether such things were kept secret or not in the way desired by the right hon. gent. appeared to him to be a matter scarcely worth notice. As to the case of the comptroller of the navy board and his alledged misappropriation of the money entrusted to his care, the right hon. gent. seemed to think that if opportunity for explanation had been afforded that comptroller, as well as to lord St. Vincent, much confusion would have been avoided, as appeared in a part of the noble lord's evidence in the eleventh report. Now, for his part, he saw no such confusion. Even without the explanation recently offered to the house on this point, he really thought that nothing could be clearer from the context of the evidence, and from a fair consideration of Lord St. Vincent's answers to the two questions which were lately the subject of discussion, than that the noble lord was ignorant of the money matters which formed the *gravamen* of the charge against the comptroller of the navy. But the right hon. gent. asked why was not this comptroller examined by the commissioners touching this charge, as well as the earl of St. Vincent? He would tell that right hon. gent. that the comptroller of the navy was examined, and that he defended himself from answering questions under the 5th clause. After having done so, then he would put it to the right hon. gent. whether, if he himself were one of those commissioners, he would propose to examine again him or any man who so acted? With respect to the statements of the right hon. gent. as to the conduct of this commission in the first report, he must observe, that if those statements were well founded, the navy board seemed to have been very passive under the serious imputations cast upon them. They professed to feel themselves very unjustly accused. The report containing this accusation had lain on the table for nearly two years, since June 1803, and during that period the commissioners of the navy board acquiesced in suffering the impression against them to circulate. No jealousy as to their character was heard of until within these few days. No inquiry to vindicate their fame was proposed or hinted at. Surely they could have brought forward a motion had they felt so sorely as is now pretended. That there might be some parts of the conduct of those commissioners fairly to be found fault with was very possible. But yet, if they were culpable only in a small degree, that was no reason to be alledged against the motion. If, however, it appeared that they dealt unfairly by the characters of men, that was a serious charge; and although it might be proper to continue the commission, most certainly the names should be changed. For it doubtless would be absurd to continue those in power whose conduct had been heretofore exceptionable. The exceptions that were made to the commissioners furnished, if well founded, a reason for excluding them from office; and, if not, they could not be urged against the motion before the house. But the right hon. gent. had confessed with perfect candour that he could not vouch for any of the statements that he had made to the house; and surely then he could not ask the house to rely on them as objections to the motion? That those commissioners were ready to go to trial against any or all of the charges that could be alledged against them he had not the least doubt. The charges, such as they were, that the right hon. gent. had stated, could not in any man's mind be deemed applicable in any shape against this motion, in opposition to which, indeed, nothing had been offered. The right hon. gent. had not said, nor could he, that this motion was unnecessary. It was necessary to satisfy the general opinion of the country. It was called for by public policy. The merit of the men and the gratitude of the people demanded it. In considering the services of those commissioners, the state in which they and lord St. Vincent were placed, was to be taken into account. Much as that noble lord had deserved and obtained by the glorious battles he had fought abroad, he had scarcely in any of them a more difficult task to perform, than in originating this commission, which had to maintain itself in almost every stage of its progress against the operation of power, influence, and authority. With a degree of fortitude and perseverance that would be at any time laudable, but which in their peculiar circumstance was extraordinary, they pursued delinquency through all the obstructions of high office, and against all the frowns of power; and they succeeded in detecting and exposing the criminality of one of the principal officers of the crown.

The *Chancellor of the Exchequer* stated, that the navy board had not tamely submitted to the imputations cast upon their characters by the first report, as the hon. gent. imagined. For, according to a memorial presented to the house on the 5th of April, on this subject, from the comptroller of the navy, it appeared, that immediately after the publication of the report alluded to, the hon. baronet intimated his wish to these commissioners, that he should be examined afresh, in order to do away, what he conceived, unfounded aspersions on his character, but this the commissioners declined. The hon. baronet then drew up a memorial to that house, which he meant to present; but, deeming it his duty, he waited on lord St. Vincent, to apprize him of his intention, and to know his lordship's pleasure. Lord St. Vincent disapproved of the intention, and stated, that he should consider any such proceeding as a personal affront to himself. The comptroller thought it his duty to conform to the noble lord's desire, and to that was attributable the kind of acquiescence the hon. gent. who had just sat down, alluded to.

Mr. *Fox* observed that, even supposing all this statement to be correct, it did not account for the silence of the comptroller of the navy, since lord St. Vincent retired from office. Why not seek the removal of that obloquy, of which he complained, under the lord of the admiralty who succeeded lord St. Vincent? He could not, however, help saying, that this comptroller, in suffering from such a motive as the right hon. gent. had described, so deep a stigma so long to attach to his reputation, betrayed a very criminal complaisance to earl St. Vincent.

Sir *Andrew Snape Hammond* confirmed the statement of the chancellor of the exchequer, as to the early disposition and solicitude he had shewn to vindicate his character from the imputations thrown upon it by the report alluded to. At the suggestion of a right hon. friend of his (Mr. Rose) he meant to have followed the precedent of the 10th of queen Anne, where an imputation of a similar nature was thrown upon a member of the victualling board, by the report of the committee of that house. It was his intention to move, that the report under consideration should be referred to a committee, and some proceeding taken respecting it, that should afford him an opportunity of vindicating his character. This course he was prevented from following by lord St. Vincent, who told him upon an interview, that it was for his lordship, and no other person to recommend, when the reports of the naval commission should be taken into the consideration of parliament, as that commission had been originally proposed by him. The hon. baronet remonstrated with his lordship on the obloquy to which his character must be subject in the interim, and appealed strongly to his sense of justice; but in vain, lord St. Vincent would not consent. His right hon. friend (Mr. Rose) also waited on his lordship, but was equally unsuccessful. Advised, however, by his right hon. friend and others; and considering his own situation in the navy, he declined entering into hostilities with the noble lord. He waited in confidence of a full acquittal of his reputation, whenever those reports should be brought before parliament. Since lord St. Vincent's retirement from the admiralty board, he was given to understand that it was intended to establish a commission of revision, and before that commission, he hoped to establish the injustice of the charges propagated against him. That there might be some irregularities under a department so wide and extensive, as that over which the navy board presided, he was prepared to admit; but he could assure the house, that there was nothing for which the members of that board were more anxious, than a full and fair examination of every part of their conduct, particularly that to which the report of the naval commissioners alluded; all he asked for that board was this, that until such full and fair examination should take place, the house and the country would suspend their judgment upon the charges against them.

Mr. *Rose* corroborated that part of the speech of the hon. baronet, who had just sat down, which referred to himself. With respect to the motion before the house, he he pointed out some parts of the conduct of the Naval Commissioners, which did not in his opinion justify the unqualified panegyric which the hon. mover would have the house pronounce upon them. The conduct which he deemed particularly exceptionable was to be found in their third report. This report almost altogether, consisted of a censure upon a most respectable man, a Mr. Taylor, who was one of his constituents. It appeared that Mr. Taylor was an eminent block manufacturer. He had supplied the navy with blocks at Chatham and Portsmouth, since the year 1762. Those commissioners thought proper to pronounce his charges excessive. In consequence, a public advertisement was sent forth for contracts to supply those yards.—And, would the house believe it, that Mr. Taylor, under this advertisement, obtained the Chatham contract, at 10 per cent. more than his former charge of which the Commissioners of Naval Inquiry complained; and Mr. Dunstanville obtained the contract for Plymouth, at 5 per cent. above Mr. Taylor's price;—such then were the frauds detected, and the retrenchments produced by these commissioners. But what must still more surprise the House, those commissioners were aware of those facts before they made their report, for they took place two months before that report was laid on the table of that house. Yet no part of the censure of Mr. Taylor was abated.—Every part of this statement the right hon. gent. said he was ready to prove at the bar, if required. There was another circumstance with respect to this much abused man, which he begged to mention. His blocks were stated to be of an inferior quality. He had a rival, a Mr. Garnett. The blocks of both those rivals were compared by a special commission in 1791, and those of Taylor were declared to be decidedly superior Capt. Nicholl, who sailed in the Formidable, took Garnett's blocks on one side of his ship, and Taylor's on the other. But after he had returned, and was about to set out on another cruize, he gave orders to have his ship furnished with no other blocks than those of Taylor's.—As to the fraud respecting 13,000l. worth of wood, which the right hon. mover had alluded to, Taylor had nothing to do with it. Nor had those commissioners any merit in detecting it; for that merit belonged to the Navy Board, who had found out and were prosecuting this fraud before the naval commission existed. The right hon. gent. took notice of the charge against his right hon. friend, respecting the patronage of contractors, and contended that it had been the peculiar object of his right hon. friend's administration, to prevent the system of contracts altogether, and to leave such things to the different boards, contrary to the system of his predecessors, who generally distributed contracts among members of parliament, or their relations. The right hon. gent. concluded with stating, that although he felt his objections to some parts of the conduct of this commission to be well founded, still he would not oppose the motion, as the sense of the house seemed to be in its favour.

Admiral *Markham* said, the hon. comptroller of the navy had said a great deal respecting the memorial of the Navy Board, and the justification they would have set up if not counteracted by lord St. Vincent. He would ask the hon. baronet if he would now deny the substance of the report? The real facts, he would declare, were a thousand times worse than the statement; and he wished the gross negligence of the hon. baronet's colleagues had not been what it was. He must complain of the unfair proceeding of gentlemen in arguing upon the authority of papers scarcely laid before the house, and without notice. With respect to the lecture on blocks, delivered by a right hon. gent. opposite to him, he would say a word or two. When a contract is entered into, the party contracting to furnish an article is bound by the stipulated price, whether the article rises or not; and he maintained, that an application to raise the price of blocks, which was the case, annulled the contract. That Taylor was thought to have a good bargain of his contract was plain, because Dunstanville at Plymouth gave him ten per cent. for permission to have the article at the price of his contract. The contracts for blocks still go on, to the great loss of the public money, although the machines at Portsmouth are sufficient to supply the demand of the whole nation. When the war broke out, contracts were made for a short time; but that was for want of lignum vitæ. And they were not then intended to be continued.

Mr. *Rose* said, in explanation, that Dunstanville got 10 per cent. above the price given to Mr. Taylor.

Sir *A. Hammond* observed that, when the report came to be fully considered, it would be fully answered. The machine made blocks of an inferior size, of ten inches; but as to the making of large blocks, it had made no progress.

Mr. *Jeffery* (of Poole) contended, that whatever might be the portion of praise to which the Naval Commissioners might be supposed to be entitled, he was still bold enough to say, that the affairs of the navy were never worse conducted than during the administration of lord St. Vincent; not only the navy, but the whole of the commercial part of the community were loud in their complaints against it. (*A general cry of hear! hear!....chair! chair!*)

The Speaker observed, that the line of argument of the hon. gent. did not apply to the question now before the house.

Mr. *Wilberforce* heartily joined in approving the conduct of the Commissioners of naval enquiry, and thought them fully entitled, upon their general conduct, to the thanks of the house, and of their country; but at the same time he must request, in mercy to those who had not fully informed themselves of the contents of all the reports, that the words "the whole" of the conduct of the commissioners, might be omitted in the motion. There were now eleven of the reports, many of them extending to considerable length, before the house, and scarcely any but the tenth had yet undergone a due investigation. Indeed the omission of these words would give more meaning to the vote of the house, and at the same time render it more worthy the acceptance of those whom it was intended to commend, than if it stood in the manner in which it was originally proposed. The Commissioners had undoubtedly detected very great abuses, and had thereby rendered very signal service to the country; and on that ground he felt them entitled to the thanks of the house and the gratitude of the country. He hoped, however, that nothing he now offered to the consideration of the house would produce any division of opinion; for he threw out the consideration merely to guide the conduct of the house; not in the least to detract from the merits of the commissioners. Much of their proceedings yet remained to be examined and discussed; and it might, perhaps, hereafter occur, that something would be considered in a light that might induce the house to express an opinion contrary to what the present motion called upon them unreservedly to declare. This was the only motive that prompted him to suggest the omission of the words. He was ready to repeat, that in his mind the motion so amended would have not only a more distinct meaning, but must prove more acceptable to the commissioners themselves. Under that impression he should now move that the words "the whole of" be struck out of the motion. The question so amended, being put from the chair,

Lord *Henniker* said, although he approved of the conduct of the commissioners, it was too far to approve of it in all its detail, as if they acted by divine authority, and could not err.

Mr. *Rose* thought the original motion would be rendered much less exceptionable by the proposed amendment, but said it would be still more eligible, if the words "so far as yet appears," were omitted; since the whole of their reports, save only the 10th, had not yet undergone any examination.

Mr. *Wilberforce* thought the last proposed alteration wholly unnecessary.

The *Attorney General* approved the amendment proposed by Mr. Wilberforce, but should think it still better, with the addition of that proposed by Mr. Rose. There were eleven reports before the house, and only one of them had as yet been examined. There were even several papers now before the house quite fresh from the press, which could not yet have been examined, but which, however, were represented as urgently calling for examination. The vote, therefore, in his mind, should not be general, as fresh materials might hereafter be produced in defence of those whose characters were affected by the reports of the commissioners. As the amendment seemed to him to improve the motion in the sense which he thought it should be received, it should have his concurrence.

Mr. *Fox* said, certainly the original motion of his hon. friend near him (Mr. Sheridan) meant to approve the whole conduct of the commissioners. He could not agree to the amendment, because, being entered on the journals, it would imply an opinion, that the whole of the commissioners' conduct was not entitled to thanks. He thought that any expression of general approbation of their conduct must mean the whole, and, therefore, he liked the motion neither the better nor the worse for the omission of that word. If the house did not mean to express full approbation of the conduct of the commissioners, or to say this was not the time, let them reject the motion altogether; but he could assent to no amendment that could be deemed an abatement to the object of the original motion. Many of the reports of the commissioners had been above a year before the house, and yet no fault was found with them by gentlemen on the other side, nor any proposal made for their investigation. Even the tenth report was not fully considered, but was referred for farther consideration to the select committee up stairs. It was well known that carpings, cavillings, and malicious insinuations had been directed against the conduct of those commissioners, by persons whom their vigilance had detected and exposed. The motion of his hon. friend was designed to refute those calumnies by a general declaration of thanks from the house. From what had fallen from a right hon. gent. (Mr. Pitt), early in the debate, he was taught to believe there was no very material objection to the motion. If the house, then, did thank them, let it be done liberally and generally, or not at all.

Mr. *Langham* thought the motion of thanks altogether unnecessary, as well as untimely, inasmuch as the vote of a majority upon a former night, in approbation of the tenth report, was already a vote of approbation; and because a much better opportunity for expressing the sense of the house generally upon the conduct of the commissioners, would occur when they had concluded the labours entrusted to them, neither which, nor the period of their appointment, were yet terminated. Why had there been no motion of thanks proposed to them on the seventh or ninth report as well as now? He could not think the commissioners themselves really wished for any thanks for any consequence resulting from their enquiries. Such a vote, he thought, would rather have the effect of biassing the commissioners, and involving them in those party differences which seemed to exist in that house. Besides, the commissioners, in any thing they had done, had only complied with duties to which they were bound by oath, and it would not be holding them very high to thank them for doing a duty to which they were solemnly sworn.

Sir *William Elford* agreed in the construction given by an hon. gent. (Mr. Fox), that a vote of general thanks to the conduct of the commissioners must mean the whole, and, therefore, not approving their whole conduct, though he highly commended many parts of it, and conceiving their reports in many instances as going to censure persons *non coram judice*, he could not vote for the original motion, or even for its amendment. He did expect some person would have moved the previous question, for which he should have voted, conceiving it better to retain the approbation or disapprobation of the house until a future occasion, when the merits or demerits of the commissioners' conduct would be fairly balanced.

Lord *Henniker* again rose, and said, though he approved the conduct of the commissioners, yet it had not yet been so scrutinized as to warrant a decisive vote upon it. Thinking, therefore, that both sides of the house should pause before they came to any decision, he concluded by moving the question of adjournment.

Mr. *Coke* (of Norfolk) thought the original motion of his hon. friend deserved the fullest concurrence of the house. There seemed to prevail on the opposite side of the house a singular degree of eagerness to get rid of the original motion. One member moved one amendment; another suggested a second; and a third urged the question of adjournment. But to his mind, the commissioners had done their duty as honest men; by their vigilance and firmness a noble lord had been detected in peculation, malversation, and every species of misconduct that could degrade him. As a plain, honest man, he should give his cordial support to the original motion.

Mr. *Bond* desired, most unequivocally, to declare his most cordial approbation of the conduct of the commissioners. He never would wish to screen delinquency wherever it was to be found; and if he were to vote otherwise than in the most hearty support of the original motion, he must vote in violation of his own feelings, and the principles which had uniformly guided his conduct to the best of his judgment: but though he fully agreed in general thanks and approbation of the conduct of the commissioners, yet he did not thereby mean implicitly to approve every thing they might have done. What they recommended, it would be for the judgment of the house to decide upon; but in declaring general approbation of what they had done, the house would not bind itself to agree to every thing they recommended. Some trivial charges had been alledged against them: but, had any thing been said by them that did not mark zeal and ability? For his own part, he was convinced that their conduct reflected the highest honour upon them, and had produced the greatest benefits to their country.

Sir *John Wrottesley* was glad to hear the sentiments expressed by the learned gent. who spoke last, and he most cordially concurred in them.

Mr. *Gregor* was rather inclined to vote for the amendment.

Mr. *Bastard* thought the commissioners did not only deserve the present thanks, but were also entitled to the best support of that house. It was well known that insinuations had been made, and reports industriously propagated, against them by persons in power, whose conduct, they had shewn, deserved dismissal from their offices. Reports had been laid upon the table of the house, clearly pointing out the contumacy and delinquency of many of those persons, and he should be glad to know what had been done towards bringing those persons to task. From those reports it also appeared that boards were still continued in authority, under whom the grossest peculations had been committed and connived at. If those boards were still continued, what security had the country that the same abuses would not be repeated? He had heard of some gentlemen called on by those commissioners for necessary information in the line of their official duty, and yet refusing to answer, and screening themselves under the pretended meaning or defects of the act: a conduct at which an honest man would shudder.

Mr. *Fuller* said, that as a friend to his country, and an honest man, he would most cordially vote for the original motion, and he thought no man a friend to his country that did not earnestly wish that enquiry, in the present circumstances of the nation, should be carried to its utmost extent in every branch of the public expenditure. This was no party question, but one which equally concerned every side of the House, and every part of the empire. Those who knew any thing of Roman history, must recollect, that from the moment a profuse and corrupt expenditure of the public money began to be laughed at in the senate, as a matter of indifference, the ruin of that empire took its date. For his own part he cared not who was at the head of the government, whether a branch of one family or of another; whether the representative of my lord *this*, or the relative of my lord *that*, so long as the affairs of the empire were wisely and honestly administered; but when the public money was in question, and he had some considerable stake in it, and peculation was the order of the day, it was the duty of parliament to institute the strictest enquiry, and to protect, support, and encourage those to whom enquiry was deputed, and who acquitted their duty with the diligence, the impartiality, and the firmness of honest men.

Mr. *Sheridan* rose to reply. He trusted the house would give him credit for having acted fairly, in the manner in which he brought forward the motion. It was, he would confess, a subject of regret to him, that he had inserted the word "whole" in his motion; and particularly so, as it had met with objections from a quarter for which he entertained the highest respect. It was not without mature consideration that he worded his motion in that comprehensive way. His reason was, that difficulties of the most extraordinary nature were, at every instant, interposed between those gentlemen and the arduous duty in which they were employed, and he therefore thought no acknowledgment to them could be too strong. When they were encountered at every step by all the acts and subterfuges of that corruption which they were appointed to detect, it was the duty of the house, whose ministers they were, to mark their approbation of their conduct, and their determination to support them in the most comprehensive and emphatic manner. When an hon. gent. rises and declares in his place, that the person who was the heart and germ of that commission was unfit to be continued as a member of it, it was high time indeed for that house to step forward for his protection. It was upon that ground that he inserted the word *whole* in his motion; and that he proposed that the thanks of the house should be extended to the commissioners in as general a way as it could possibly be. He wished to tell them what he, and he was persuaded a great majority of the country, felt towards them for their unabated perseverance and industry. He endeavoured to mark, in as strong a manner as his powers of expression could command, the obligations he owed them for their ability, diligence, and *fortitude* (that word he would not have spared) in pursuing the arduous and disgusting task which was imposed upon them. Their conduct in it was well entitled to the praise of fortitude, a virtue which admitted of being as fairly exercised in the pursuit and detection of abuses, as in those situations to which, in its ordinary acceptation, it was generally applied. He wished to convey to those gentlemen the thanks of the house for their conduct in pursuing the enquiry, for the firmness they had manifested in prosecuting it against all the obstacles which guilt, and fraud, and avarice, had erected to obstruct them; there was no occasion to have read all the reports to estimate the merit in that part of their duty: it was sufficient to know that they met with opposition from every quarter; and that, notwithstanding, they persevered and succeeded, and that the result of their labours was before the house and the country, exciting the admiration and gratitude of both. He had also another motive for wording his motion in the way he did. He wished to compel the right hon. gent. on the opposite bench, to state to the house precisely and positively why he objected to the conduct of the commissioners of naval enquiry? He had done so; he had stated them candidly and temperately, (he was happy to avail himself of the few opportunities the right hon. gent. afforded him of commending him); and after all what did they amount to? one of the most important was, that they charged a jury that it had been tampered with; that was no new charge. He recollected its having been brought forward by an hon. baronet (sir W. Elford) before, who threatened to make it the subject of a motion in that house, but who was finally obliged to give it up, because he could get no one to second his motion. Another hon. member (sir A. Hammond) had complained of reflections which had been thrown out in one of the reports, against that board of which he was the head. It was full twenty-two months since that report was made; and why, he would ask, did the hon. baronet acquiesce, during all that time under those imputations? Was it that he was deterred by the rebuke which he is said to have received from earl St. Vincent, or that he looked forward to another proceeding which was going on (he meant the commission for examining into the civil affairs of the naval department) for satisfaction and justification? He was much misinformed as to the nature of that new commission, if it was to act as a committee of revision, to controul and annul the decisions of a commission appointed by the joint authority of both houses of parliament, and accountable only to them. He could not conceive, that it could even have been intended to degrade a commission so constituted, by subjecting their labours to be criticised and reversed by a committee of placemen. Did the hon. member decline doing early justice to his character, because he expected it from a committee who had no power to do it? Another rt. hon. member (Mr. Rose) had also brought forward his charge. Why did not the house hear of it before? Why were his feelings so long silent with respect to his constituent and friend Mr. Taylor, who, it seems, had fallen, by some means, under the censure of the commission? What prevented him from making it the subject of complaint before this night? nothing but his delicacy he supposed. It was really too much, when the noble lord who proposed that commission professed himself ready to meet every charge which could be made against him, that he, as well as the members of that commission, should be assailed from so many quarters. When a member has the indiscretion, to say no worse of it, to rise in his place, and unblushingly proclaim, that earl St. Vincent was the worst lord of the admiralty that had ever appeared at the head of the naval department of the country, it was the duty of the house to mark their reprobation of the sentiment. Was it fitting, he would call upon the house to declare, that the noble lord should be attacked in that vile way? Was it just that his honour, he would say the honour of the country (for the honour of that noble lord was a part, and a proud part, of the glory and the honour of the country) should be thus struck at and wounded in that base and inglorious manner? The blow, which was apparently directed against the commissioners of naval enquiry, was in truth, and in fact, levelled at that noble lord. The commissioners had a claim upon the gratitude and protection of the house. While they were hunting down corruption and peculation, and pursuing them through all their foul and secret retreats and lurking places, they were entitled to all the encouragement which the legislature could hold out to them. He should be sorry that the motion he proposed should occasion any diversity of opinion; he wished to meet the feelings of the house. He would be sorry that any division should arise on a motion, which he had hoped would have been almost unanimously acceded to, but he could not consent to abandon the word *whole* in the manner proposed. He would not be satisfied that the amendment should appear upon the Journals, although he was disposed to meet the ideas of the hon. gent. who proposed it, if he were allowed to amend the motion himself.

Mr. *Wilberforce* acquiesced in the proposition of Mr. Sheridan, and declared his readiness, with the consent of the house, to withdraw his amendment.—The amendment being accordingly withdrawn,

Mr. *Sheridan* withdrew his original motion, and immediately proposed the following: resolved, "That it appears that the commissioners appointed by an act of the 43d year of his majesty's reign, to enquire and examine into any irregularities, frauds, or abuses, which are and have been practised by persons employed in the several naval departments therein mentioned, have, as far as appears from the reports which they have hitherto made, exerted themselves with great diligence, ability, and fortitude; and that their conduct in the execution of the arduous duties entrusted to them, entitles them to the warmest approbation and encouragement of this house." He disclaimed, at the same time, any admission, upon his part, that any thing had been proved against the conduct of the commissioners, and declared, that the reason why he assented to any modification in the form of his motion was, that gentlemen had not time to examine the reports.—The question was then put on the motion, as altered by Mr. Sheridan, when the speaker declared the ayes had it.—Mr. Sheridan next moved the following resolution:—resolved, "That this resolution be communicated by Mr. Speaker to the said commissioners."—Agreed to.—Adjourned.

HOUSE OF LORDS.

Friday, May 3.

[LORD MELVILLE.]—Mr. Leycester, attended by several members, brought up a message from the commons, in substance, desiring their lordships permission to a member of that house, lord viscount Melville, to attend a committee of the house of commons to whom was referred the consideration of so much of the tenth report of the commissioners of naval inquiry as related to the application of monies imprest to the treasurer of the navy to purposes other than the service of his majesty's navy; and also what communications were made to the lords commissioners of the treasury, or chancellor of the exchequer, respecting the same, &c.—The messengers having withdrawn,

Lord *Hawkesbury* moved "that their lordships do send an answer to the message just delivered from the commons by messengers of their own." Which being ordered accordingly, the messengers from the commons were ordered to be called in, and the lord chancellor, with the usual formalities, communicated to them the resolution of the house. The messengers having retired;

Lord *Hawkesbury* rose to call their lordship's particular attention to the proceeding which had just taken place. He would first move, that the standing order be read by the clerk, which was accordingly done. This order imported that no peer of the realm, a member of that house, should attend the house of commons, or any committee thereof, to answer matters of charge or accusation against themselves, either in person or by their counsel, &c. on pain of being committed to the custody of the black rod, or sent to the Tower during the pleasure of that house. His lordship then observed, that the case which was involved by the recent message from the commons, was one of very considerable and peculiar importance; though no consideration of the kind was expressly referred to in the message, yet, from the votes of the house of commons, which had come to his knowledge upon the subject, there was no doubt but matters of charge and accusation against lord viscount Melville were connected with the proceeding. He had therefore, with reference to what he had reason to think would take place, enquired respecting such precedents as existed of such cases; and though he met with several, yet he did not feel himself fully informed, or adequately prepared to recommend at present any distinct line, or course of proceeding. He then adverted to the circumstances which gave rise to the standing order which had been just read, and stated a few cases in the way of precedent, which, he conceived, bore a resemblance to the present. Among these, the case of the duke of Buckingham, who, in March 1626, was required to attend the house of commons, on matters of charge and accusation against himself. Some farther proceedings took place on that case on the 14th of the following month; the result was, that their lordships resolved the duke should not attend the house of commons. A case nearly similar occurred in the year 1673, in that of the earl of Arlington, who was also required to attend the house of commons to answer on matters of accusation against him. In this case, their lordships, after duly considering the case, and though the earl of Arlington himself desired to be examined, refused their consent, and subsequently resolved upon the standing order now upon the book. In the present instance, he repeated, though the message did not directly mention matter of accusation against lord viscount Melville, yet he could not avoid observing (not meaning however to give any decided opinion upon the subject) that it expressly referred to the tenth report of the commissioners of naval inquiry, a copy of which was on their lordship's table, and which contained matters of grave and serious accusation against that noble lord. This report, he could collect from the votes of the commons, was referred to a select committee, who were desired to examine into several points contained therein; and, among others, into the application of public monies entrusted to the treasurer of the navy to other services than those of the navy. A proceeding of this kind, so set forth, although it may prove, upon due enquiry and explanation, to be even a meritorious line of conduct; yet, *prima facie*, it was to be regarded in the light of matter of accusation; therefore, from what evidence they had before them, derived from the report upon the table, and the votes of the house of commons, it might in the first instance be inferred that the intention was to examine the noble viscount upon points which may form matter of accusation against himself. Under these circumstances, particularly referring to the standing order, it was incumbent upon the house seriously to take the case into consideration before an answer should be sent to the commons. He already stated he had not his mind fully made up as to the most proper course to be adopted. He thought that some time, avoiding all unnecessary delay, should be given to noble lords to consider and to enquire as to the precedents in such cases. He hoped, however, under the circumstances of the case, and its peculiar importance, there would be no objection, no difficulty in referring it to the consideration of a committee of privileges, and that the clerk be ordered to furnish them with such precedents of similar cases as may have occurred.

Earl *Darnley* thought the noble secretary of state should be sure of proceeding upon strong grounds before he did what might appear at least as throwing difficulties in the way of public justice; and it appeared to him rather extraordinary that a member of his majesty's government should be the first to come forward with such a proposition, in a case of such a delicate and peculiar nature as the present. At any rate, he hoped their lordships would avoid all unnecessary delay, and come, as soon as possible, to a resolution upon the point.

Lord *Hawkesbury*, in explanation, begged leave to express his astonishment at what had fallen from the noble earl. He was at a loss to conceive how it could possibly be inferred from what he said, that he entertained the least idea of throwing any difficulties in the way of public justice.

The Duke of *Norfolk* urged that several peers had at different times attended committees of the house of commons for the purpose of giving them information with respect to subjects under their consideration. He admitted, however, in answer to a question of lord Hawkesbury across the table, that there was no matter of accusation against any of the peers he had alluded to. He was perfectly aware that their lordships could not compel lord Melville to attend a committee of the house of commons; but he conceived there could be no difficulty, if that noble lord was willing to attend, in giving him permission to do so. He wished to know if there was any precedent subsequent to 1673 applicable to this case?

Lord *Hawkesbury* observed, that his motive in moving a reference to the committee was to search for precedents.

The *Lord Chancellor* contended for the propriety, in every point of view, of upholding and maintaining the privileges of their lordship's house. It was the bounden duty of every member of that house to maintain them. What had been advanced by the noble duke was nothing at all to the present question. It signified nothing, with reference to the standing order, whether a peer be willing or not to attend. The order was peremptory and explicit, and prohibited such attendance, under severe penalties. He believed there was no instance of a peer's being permitted to attend, where matters of accusation against him were under consideration. The noble and learned lord referred to some precedents before the order was made, in illustration of what he had advanced. In a case, in the year 1628, a permission had been granted in respect to an act of parliament then recently passsed, and a correspondent entry was made upon the Journals. In one or two other instances, leave had been given; but, by the resolution solemnly taken in 1673, no member of that house was suffered to attend in such a case, even were he inclined, or even to appear by his counsel. These were prohibited under the penalties of the custody of the black rod, or commitment to the Tower. For his own part, in such a case, did every subject in his majesty's dominions think he was acting wrong, he should perform his duty to himself, to all their lordships, and to the house in general, and, therefore, to the country, in strenuously recommending, nay, even in insisting, with reference to the standing order, upon such a proceeding as that recommended by his noble friend, it should be referred to the committee of privileges, to enquire what had been the former practice of the house upon such occasions. He agreed with the noble lords, that no delay should take place.

The Duke of *Norfolk* explained, that, in his opinion, where the will of the peer required, and the permission of the house combined, the case was materially altered. In many cases it was highly desirable that every possible information should be afforded, with a view to the ends of public justice. He repeated his hope that no unnecessary delay would be suffered to take place.

Earl *Darnley*, in further explanation, observed, that he did not object to the matters being referred to a committee of privileges. He had only expressed his doubts of the propriety of a member of his majesty's government coming forward, as the noble secretary of state did in the present instance.

The Duke of *Montrose* contended, that in a case like the present, it was more peculiarly the duty of a member of his majesty's government to come forward, and endeavour to point out the most correct and unexceptionable line of proceeding; and he must say, that he thought an expression which had fallen from a noble earl, charging his noble friend with endeavouring to throw obstacles in the way of an investigation instituted in the house of commons, had been somewhat hastily used.

Earl *Darnley*, in explanation, repeated his regret, that this motion had been brought forward by a member of his majesty's government, for the reason he had before stated; at the same time he should not object to referring the matter to the committee of privileges.

Lord *Hawkesbury* felt himself called upon, in consequence of what had been said and repeated by the noble lord, to say a few words in vindication of his own conduct. It was very true that he was a member of his majesty's government; but he did not forget, at the same time, that he was also a member of their lordship's house, and as such he should have been wanting to his duty if he had not called their attention to their privileges and their standing orders. He was conscious of no wish or intention to throw any obstacles in the way of any investigation instituted with regard to the conduct of lord viscount Melville. His only wish in this case was, that the privileges of their lordships should be maintained, and their standing orders adhered to, and it was with this view, and this alone, he had brought forward his proposition.—The motion was then agreed to, and the committee of privileges was ordered to sit on Monday for the purpose of taking the subject into consideration.—Adjourned.

HOUSE OF COMMONS.

Friday, May 3.

[MINUTES.]—The sheriffs of London presented at the bar the petition of the lord mayor, aldermen, and common council of the city of London, in council assembled, against the prayer of the Catholic petition, now on the table of the house.—Ordered to lie on the table till the day for taking said petition into consideration.—Mr. Leycester informed the house from the bar, that pursuant to their order he had waited on the lords with their request to their lordships, that they would permit lord viscount Melville to attend the committee appointed to consider further of the matter of the tenth report referred to them, in order to his being examined; and that their lordships had signified their intention to send their answer by a messenger of their own.—Mr. Jeffery gave notice, that he should on Monday make a motion relative to the number of vessels that had been fitted out and stored in his majesty's yards during the administration of lord St. Vincent.—Mr. Tierney submitted whether the hon. gent. ought not in candour to state the nature of the papers for which he intended to move; and whether, if he intended to make them the ground of charge upon the noble earl, it would not be more fair at once to move for an inquiry into his conduct, than to bring forward a charge upon an *ex parte* statement.—Mr. Jeffery stated his object to be, to procure a document whereby the comparative state of the navy then and at present might be ascertained, and whether the former administration of the admiralty was entitled to the approbation of the house.—The chancellor of the exchequer brought up the bill for continuing, for a time to be limited, the act for appointing the commissioners of naval inquiry, which was read a first time; also the bill for appointing commissioners to inquire into the different departments of the public expenditure therein mentioned, and to report thereon to the house.—Read a first time.

[PETITION FROM MIDDLESEX RESPECTING THE 10th NAVAL REPORT.]—A petition of the freeholders of Middlesex was presented to the house by Mr. Byng, setting forth, "that the votes of your hon. house on the 8th and 10th days of April last, founded on the tenth report of the commissioners of naval enquiry, has interested the whole nation, and no part of the nation more deeply than your petitioners.—We humbly crave the liberty of stating, that no measures ever yet issued from the commons of England which had diffused more gladness or raised more expectations than the said votes of April the 8th and 10th, declaring lord viscount Melville to be 'guilty of a gross violation of the law and a high breach of duty;' thereby supporting the upright and virtuous discharge of the salutary duties of the said commissioners, whose conduct has excited the gratitude and the confidence of the whole country.—That the renewal of the said commission is a subject of unfeigned joy to your petitioners; and that we entreat your hon. house to be careful to make the new law effectual, and adequate to its end. We pray your hon. house to attend particularly to those parts of the tenth report which have detailed the obstacles thrown by persons in office in the way of the investigation of the said commissioners, and to guard against their repetition.—We submit to your hon. house whether the subaltern agents of corruption will not be eager to shelter their contumacy under the example of their superiors, unless the explicitness and enlarged authority of the law defeat their artifices. Nothing, we are persuaded, could be more revolting to the public sentiment, or could more thoroughly disappoint the hopes of the country, than that, instead of inquiries real, honest, and efficient, a fallacious and illusory system should be allowed to be adopted, under which real guilt might elude detection, and the substance of earnest investigation be sacrificed to mere pretence and shew.—Your petitioners humbly beg leave to state to your hon. house, that a civil action against viscount Melville and Mr. Trotter would not, of itself, be satisfactory to the public expectation. That a criminal prosecution against these delinquents is the real wish of the country; because the recovery of millions of money would not be of such real benefit to the people, as to see the justice of the law vindicated upon a great malefactor, with the same equal, impartial, and inflexible sternness, with which it falls upon the poorest and most unprotected criminal.—Your hon. house, by the said votes of the 8th and 10th of April, has extorted the admiration of those most hostile to the character and construction of the lower house of parliament. By following up the spirit of those votes, your hon. house will secure the confidence and the affection of the nation, and the triumph of the English constitution will be complete.—We entreat you to proceed and finish your labours upon these points in a manner that may be worthy of your honoured and applauded commencement of the same. We beg of you not to cease till you bring viscount Melville to condign punishment; to expose delinquencies wherever traced, and to make an example of guilt in whatever quarter it may be proved."—Ordered to lie upon the table.

[PETITION FROM WESTMINSTER RESPECTING THE 10th NAVAL REPORT.]—A petition of the electors of the city and liberty of Westminster, convened by the high bailiff in Palace-yard, on Friday the 3d of May, was presented by Mr. Fox and read; setting forth, "That your petitioners share the national gratitude to your hon. house, for your memorable and virtuous votes of the 8th and 10th days of April last, founded upon the tenth report of the commissioners of naval enquiry, declaring the lord viscount Melville to be guilty of a gross violation of the law and a high breach of public duty.—Never were parliamentary measures received with more exultation by the country than the said votes; and nothing, your petitioners are persuaded, could cause more disappointment to the nation than your hon. house's stopping short of these great ends of justice, which the public interest demands, and the honour you have acquired by the said votes, exacts and enforces at your hands.—The pure, the moderate, the faithful, the independent and the dignified discharge of the functions with which the law has invested the said commissioners of naval enquiry has filled the country with the most unqualified admiration of their conduct. The renewal of their authority is a source of the most unfeigned pleasure to the people at large; and we do most earnestly supplicate your hon. house, that in the construction of the new statute, your attention will be fixed upon the contumacious obstruction to full enquiry, which is so clearly pointed out in the said tenth report; and that you will carefully guard against its repetition.—Your petitioners beg leave to state to your hon. house, that a civil suit against lord Melville and Mr. Trotter, unaccompanied by criminal prosecution, would be infinitely short of the public hopes, because it is so of public justice. It is not the refunding of money that, of itself, is of real consequence to the nation; it is the infliction of an exemplary vengeance upon proved and powerful delinquents. It is the manifestation to the whole world that high criminals are not above the reach of punishment; and that the corrupt or wanton violators of law shall feel the strength of its arm.—Above all things we intreat your hon. house not to permit the public feeling to be sported with; and in the formation of inquiries similar to the naval commission, that you will take care that the power constituted be equal to its professed objects; both as relating to the vigor of the authority, and to the integrity of those who are to put it in execution; for we submit to your hon. house whether, if any thing can be worse than a deep-rooted, wide-spreading system of abuse and peculation in the management of public money, it would not be the institution of a system of revision, in its nature a burlesque upon investigation, and in its result a mockery of justice.—To all these points we beg the best attention of your hon. house. We beseech you to pursue with effect what you began with so much honour. We intreat you not to relax in your efforts till you have brought lord Melville to condign punishment, and given to all who shall be found to have committed similar crimes, a signal demonstration, that, in the representatives of the people, instead of abettors of their iniquities, they will find only the faithful guardians of the nation, and the zealous vindicators of the laws."—Ordered to lie on the table.

[ROMAN CATHOLIC PETITION.]—Mr. *Fox* observed, that as the day which he had fixed for submitting a motion to the house on the subject of the petition of the Catholic body of Ireland was so near, he deemed it proper to take this opportunity of stating the reasons on which he proposed to defer that motion from the 10th to Monday the 13th inst. One reason was, that many gentlemen interested in the discussion were now in Ireland, and could not attend on Friday. This was a sufficient reason, but it was not the principal one. Another was, the importance of the business which was to occupy the attention of the house next week. His hon. friend (Mr. Whitbread) had a motion of considerable importance, which, together with the other motions noticed on several interesting subjects, would, perhaps, fatigue gentlemen so much as to render it inconvenient to have his motion brought forward on Friday. He thought this was a fit time to state for the information of gentlemen, the substance, if not the precise words, of the motion which he should submit to the house on the subject. His motion would be, that the house should resolve into a committee of the whole house, to consider of all the matters contained in the petition, and whether it would be expedient that all, or any of the prayers it contained, should be complied with, or whether a middle course should be adopted for granting some, and deferring the decision upon the rest of their claims; or whether or not some collateral means of meeting the wishes of the petitioners might not be eligible.

Dr. *Duigenan* declared himself hostile to the prayer of the petition, and should, therefore, oppose the motion of the hon. gent.

[COMMITTEE OF SUPPLY.]—The *Chancellor of the Exchequer* moved the order of the day for going into a committee of supply; and on his motion, also, the extraordinaries of the army, the expences of the volunteers in Great Britain and Ireland, and the deficiency of the consolidated fund, were referred to the said committee.—The house having resolved into a committee, the following sums were voted:

To make good the excess of the extraordinary services of the army over the estimates voted last year - - -	£668,803 15 3
Extraordinary services of the army for the present year - -	3,000,000 0 0
To complete the sum of five millions granted out of the monies that should arise from the consolidated fund of Great Britain for the year 1804 - -	3,049,488 15 3
To defray the expences of the volunteers in Great Britain and Ireland - - -	1,600,000 0 0

Mr. *Johnstone* said, he did not rise to object to this resolution; but, as emigrants were included in this sum, he submitted it to the committee, whether it would not be better that the money voted for emigrants should be a distinct vote for that purpose, instead of being brought into the army extraordinaries? There was another circumstance which struck him, and that was, he observed, an article of charge of somewhat about 500l. for the expences of creating sir Brooke Watson a baronet. He thought, if honours were heaped on a man in the situation of the hon. baronet, it was rather extraordinary that the public should be asked to pay for them.

The *Chancellor of the Exchequer* said, that as the baronetage was given that gentleman for his services in the army, it was therefore brought into the army extraordinaries, it being always usual, when that honour was conferred for services to pay the expences. As to the emigrants, this was a charge for such emigrants only as have served in our armies, and are paid abroad in order to save the expence of coming to this country. This was absolutely necessary, when foreigners, who had served us, had no other means of gaining a livelihood in this country, and the army extraordinaries were the most convenient head of service under which they could be classed.—The resolutions were then read, and severally agreed to.

[IRISH SILVER TOKENS BILL.]—On the question for going into a committee on the Irish Silver Tokens bill;

Mr. *Magens* requested the attention of the house while he made a few observations on this bill, which, he thought, would be as properly made in this as in any other stage of it. He observed, that in a conversation which passed in that house, some short time since, it appeared that the rate of exchange being so much against Ireland was in consequence of the very large quantity of paper that was in circulation in that part of the empire. These tokens, as they were called, were, in his opinion, very little, if at all, better than paper; and as they would be subject to great depreciation, he saw very little benefit to be derived from this measure. He thought the only way to serve Ireland effectually would be to restore a real silver coinage directly under the royal authority, and thereby to assimilate the coinages of the two countries as nearly as possible. For these reasons he could not approve the bill.

Mr. *Princep* said, he thought some limitation should be put to these tokens, and hoped a standard coinage would soon take place.

Mr. *Rose* said, the silver tokens were tokens above the value of the price of dollars, and therefore he thought there was no fear of the apprehensions entertained by the hon. gent. who spoke last but one. It had been for a long time in contemplation to make a standard coinage, but there were certain obstacles to it which at present could not be removed.

Mr. *Magens* said, if the old standard were restored, every thing would be much cheaper, and the country would derive innumerable benefits from it.

Sir *J. Newport* said it was much to be wished that the old standard was restored, but that would require some considerable time; and, as a large quantity of paper had been lately taken out of circulation, it became absolutely necessary something of this kind should be adopted. With respect to the assimilation of the coinage of the two countries, it was a subject that required great consideration, and therefore necessary this bill should pass as speedily as possible.

Mr. *Lee* said the hon. member who made the objection to this bill, most certainly was not acquainted with the situation of Ireland, or he would not argue as he had done. Silver notes, which were the only circulation for making payment of small sums, were now drawn out of circulation, and it was necessary something should be substituted in their stead, as there is now no circulating medium for small payments. He was, however, one of those who did not think the quantity of paper that had been in circulation was injurious to Ireland; the fact had never been proved, and till it was so, he should differ from those who held that opinion.

Mr. *Foster* said very little remained for him to say on the subject. There was at present great distress in Ireland for want of small silver change, and as it is only to continue so long as the restriction of the bank from paying in specie continues, the hon. gent. who made this objection, need have no great apprehension. It will be extremely convenient to the people of Ireland, and he hoped therefore the bill would have the approbation of the house.

Mr. *Johnstone* said he doubted whether these pieces of silver would continue long in circulation, as, at 5s. 5d. each, people would find an advantage of eight and a half per cent. and would send them to this country to make their payments, and thereby save so much in the rate of exchange.

Mr. *Foster* said, these tokens are to issue at 5s. 5d. but will be ten per cent. under the value of Spanish dollars, and if you add eight and a quarter, the difference of exchange, it would be nearly 19 per cent. and when exchange is very high, it would be nearly 25 per cent.; when to these are added the inconvenience of carriage, and the wearing of the silver by friction, there would be thought very little danger of their being sent to this country.

Mr. *Vansittart* said a few words in favour of the bill, and the house went into the committee, in which the clauses were read and agreed to.—Adjourned.

HOUSE OF LORDS.
Monday, May 6.

[MINUTES.]—The bishop of Oxford presented a petition from the freeholders of Oxfordshire, praying that the restraints upon the catholics might not be repealed, which was ordered to lie on the table.—Lord Mulgrave reminded their lordships that they stood summoned for to-morrow upon a notice which he gave before the recess, relative to one of their standing orders, that which enabled any peer to move the house into a committee whenever he desired it. The more he had considered that order, the more he was convinced it ought not to remain upon the books of the house; and he should therefore, to-morrow, move to expunge it.—Lord Mulgrave said that a noble friend of his, who had undertaken to bring forward a clause to be added to the University Advowson bill, had not yet been able to complete it; and he, therefore, wished that the further consideration of the bill might be postponed till Wednesday. After a short conversation between the bishop of Oxford, the bishop of St. Asaph, the lord chancellor, and lord Mulgrave, the order for the committee sitting this day was discharged, and fixed for Wednesday.—Adjourned.

HOUSE OF COMMONS.
Monday, May 6.

[MINUTES.]—The Speaker acquainted the house, that he had received from the Commissioners of Naval Enquiry, the following letter, in return to the thanks of this house of Thursday last.—"Office of Naval Enquiry, Great George Street, 4th May 1805. —Sir, We have had the honour to receive your letter of the 3d of this month, transmitting to us a copy of the resolution of the house of commons of the 2d instant.—It is most gratifying to us to learn, that our conduct as Commissioners of Naval Enquiry has been considered by the house as deserving a vote of their approbation; a testimony which is justly esteemed one of the highest honours that can be conferred on persons employed in the service of the public: we receive this mark of distinction with the greatest respect and thankfulness; and we request that you will have the goodness to communicate to the house these our sentiments.—We also beg leave to express our sense of the very obliging manner in which you have been pleased to convey the resolution of the house. We have the honour to be, sir, your most obedient, humble servants, Charles Morice Police, Ewan Law, John Ford, Henry Nicholls, Wm. Mackworth Praed."—On the motion of Dr. Duigenan, the Irish First Fruits Bill was read a second time, and ordered to be committed on Wednesday.—Mr. Calcraft presented the Declaration of sir Francis Burdett, which was read by the clerk. It contained a statement of the progress of the poll at the late Middlesex election, and concluded with intimating the hon. baronet's intention not to defend his seat. [A copy of the declaration will be found in p. 211 of this volume, where it was inadvertently inserted.] That clause of the act of parliament was then read, in pursuance to the provisions of which the declaration was formed. After a few words from the secretary at war and Mr. H. Thornton, stating their disapprobation of a great deal of irrelevant matter in the declaration, the 7th of June was the day fixed for acting upon it.

[DISMISSAL OF LORD MELVILLE.]—Mr. *Whitbread* rose, and observed, that whatever motives might, in the course of the business he had undertaken, have been imputed to him by the opposers of the measure, he presumed there were none who would suppose he had not, during the whole course of the proceeding, been impressed with feelings of the greatest anxiety. He confessed that the feelings of anxiety he had felt, in different stages of the discussions that had taken place, were not to be compared with those which he now experienced. He had now come to a point, and standing on which he trembled, not from any doubt of the propriety of the measure he should propose, but from his apprehensions as to the course the house of commons would adopt. There were two paths open before them. The one, as it appeared to him, led by the ways of justice to the immortal honour and renown of the house of commons; the other, if they were led by mistaken clemency to pursue it, led to the disrepute of the house of commons, and eventually to the detriment of the public interest. If it had been immediately proposed, in consequence of the resolutions which he had the honour to submit on the 8th of April, that an address should have been presented to his majesty, praying that lord Melville might be dismissed from all the places held by him under the crown, and from the royal presence and councils, for ever—

The *Chancellor of the Exchequer* interrupted the hon. gent. for the purpose of speaking to order. He really had understood that the hon. gent. had given notice of his intention to move to take into consideration his majesty's answer, and he conceived that he would have begun his observations with reference to that object. He had a communication to make to the house, which he thought would anticipate what the hon. gent. had to say; he therefore wished to put it to his candour, whether he would afford him an opportunity.

Mr. *Whitbread* said, he meant to have concluded by moving, that his majesty's answer should be taken into consideration. Whatever communication the right hon. gent. had to make, he thought it would come with more propriety after the motion. He apprehended that if he had made a motion on the morning after the night the resolutions were proposed and acquiesced in, that lord Melville should have been dismissed from his offices and his majesty's councils and presence, that there would not have been one dissentient voice. He apprehended, that if lord Melville had not been a member of the house of peers, but merely of the house of commons, and he had moved for the dismissal of him as a member of the house of commons, that there would not have been a dissentient voice. In the course of this business he had shaped his conduct so as to obtain the suffrages and support of every independent member of parliament; and, in so doing, he conceived he had strictly conformed to his duty, and promoted the welfare of the public. The second day after the resolutions passed, he had moved an address to his majesty, that lord Melville should be removed from his councils and presence, and deprived of all offices held by him under the crown. It appeared on that occasion to have been the sense of the house, that it would be better the resolutions should be carried to the foot of the throne; but he was of opinion the consequence of that measure was not precisely what would have taken place if the house had gone up with the address. The consequences he had hoped for had not taken place. He had resigned his office at the admiralty, but his name had not been struck out of the list of the privy council. The right hon. gent. who had just intimated that he had some communication to make, had not only said on a former day that his name was not struck off the privy council book, but that he saw no reason for advising his majesty to erase it. Under these circumstances, a committee had been appointed to examine further into the matters of the tenth report, as exclusively as could be of the conduct of lord Melville, and a civil prosecution had been ordered against his lordship and Mr. Trotter. A right hon. gent. had proposed, that it should be turned into a criminal prosecution. In this situation the country stood—that the house had decided that lord Melville, not accidentally or once, but during the course of a long administration, had been guilty of a breach of his duty, and a gross violation of the law, and yet no punishment had been inflicted in consequence of this decision. He knew it had been contended that lord Melville had been punished, and appeals had been made to the house whether the punishment had not been sufficiently severe. He could not easily forget the impressive words of a right hon. gent. (the master of the rolls) over against him, or his feelings and countenance, compelling sympathy, when he asked whether lord Melville had not been sufficiently punished? He wished he could borrow a little of that right hon. gent.'s accuracy of expression to call upon the house to perform what, if it did not perform, he should contend lord Melville would not be punished. If humiliation; if voluntary degradation; if the resignation of high employments under the crown, such as lord Melville thought himself capable of filling; if the feelings of a man who had held great official situations for many years; if a broken and contrite heart, *hæ flammæ, hæ fasces*—if these were to be considered a punishment, then it was possible lord Melville might have been punished sufficiently. In that case, his punishment was as far superior to any the house could inflict, as the hand that inflicted it was above the power of mortals. It was the duty of the house to take care that others were not betrayed into the same errors, and that men in the situation of lord Melville should know, that if they acted as he had done they would subject themselves to degradation. It was also incumbent on the house to take care that equal justice was done to all, and that when others were writhing under punishment, delinquents of greater magnitude were not spared. The sensations of shame were not confined to men in high stations; but a common clerk, detected in a fraudulent act, felt equally with the highest peer: his feelings, too, were accompanied with the loss of character, and the loss of character was attended with the loss of bread. With regard to such a person, it was highly probable, that even if the law was not followed up, that his wife, children, relatives, and dependants, would be reduced to a state of misery. Such an accumulation of distress was of itself punishment enough; but justice and the law must have their victim. He therefore, in the name of minor delinquents, in the name of the public, in the name of the representative body of England, and in the name of the former vote of the house, called for that which was but bare simple justice on lord Melville. He deprecated the injury the character of the parliament of 1805 would sustain, if, after the detection of lord Melville's guilt, it should appear that parliament had stopped in its punishment, and that he had been suffered to remain a privy counsellor, particularly after the proofs against him had been so complete; when instead of any denial of the charge by lord Melville, *habemus confitentem reum*, he had given evidence against himself. He proceeded to infer the odium it would cast on the ministers of the day if it should appear they had endeavoured to protect such a delinquent. He highly censured that advice which had dictated the answer of his majesty to the sheriff of London, when they waited upon his majesty with the address of the common council. After a few further observations, he moved, that his majesty's answer should be taken into consideration; observing, that he meant afterwards to move an address to his majesty, praying him to order the name of lord Melville to be erased from the privy council, and to dismiss him from his presence for ever.

The *Chancellor of the Exchequer*—Before, sir, the motion is put from the chair, I think it necessary for me to make a very few observations, which appear to me of such a nature as will supersede the necessity of agitating the question at greater length, on the present occasion. When I interrupted the hon. gent. it was for the purpose of saying, that I had a communication to make to the house, which might probably render his motion unnecessary; that communication is, sir, that the object which the hon. gent. has in view, is already accomplished. I have felt it my duty to advise the erasure of lord Melville's name from the list of his majesty's privy counsellors, his majesty has acceded to this advice, and that erasure will, on the first day that a council is held, take place. Having said thus much, I shall, with the permission of the House, say a few words on the circumstances under which I formerly resisted this proposition, and those under which I have felt myself bound to yield to it. The hon. gent. has thought proper to allude to the discussion which took place on the day previous to the recess; and he says, that on that occasion, I declared that nothing then appeared to me which called for my advising his majesty to erase the name of lord Melville from the list of privy counsellors. I believe, sir, it is in the recollection of the house, that a motion similar to that now brought forward, was produced by the hon. gent. on the day to which he has alluded. On that occasion I did state that the motion appeared to me altogether unnecessary, since lord Melville had resigned his official situation, and all prospect or hope of his return to office was extinct, as long as the resolutions of the 8th of April remained in full force. Unless the house varied their decision, that determination was an insuperable bar to the noble lord's return to power. At that time it did not appear to me to be the sense of the house that such a motion should be persisted in, or that it was at all necessary after the resolutions of censure on a former evening. Many gentlemen who concurred in those resolutions thought that the wound which had been inflicted should not be aggravated by any unnecessary circumstances of severity; that when the justice of the public was satisfied, the feelings of the individual ought not to be outraged. Even several gentlemen on the other side of the house did not seem to wish that the motion should be pushed to a division. The motion was accordingly withdrawn, and in the room of it the house agreed to lay the resolutions before the throne, and to await the ultimate decision of his majesty. By following this course, it was imagined that the same result would be obtained without wounding the feelings of the noble lord, who was already sufficiently afflicted by the general decision of the house. This step then being taken, it did not strike me that it was at all expected that it was my duty especially to advise his majesty to erase the name of lord Melville from the list of his privy counsellors. If I had conceived this to be the general wish of the house, I should, unquestionably, have bowed to it, but not viewing the matter in this light, I did not conceive that I was bound to give the advice which the motion of the hon. gent. is calculated to enforce. Since that time, however, in consequence of the notice of the hon. gent. to renew his motion, I have felt it my duty to ascertain what is the prevailing feeling of gentlemen on the subject. I have had occasion to ascertain the sentiments of respectable gentlemen on both sides of the house, and seeing reason to believe that the step to which the motion of the hon. gent. is directed, was considered expedient, I have, however reluctantly from private feeling, felt it incumbent on me to propose the erasure of the noble lord's name from the list of privy counsellors. I confess, sir, and I am not ashamed to confess it, that whatever may be my deference to the house of commons, and however anxious I may be to accede to their wishes, I certainly felt a deep and bitter pang in being compelled to be the instrument of rendering still more severe the punishment of the noble lord. This is a feeling of which I am not ashamed. It is a feeling which I cannot drive from my bosom. It is a feeling which nothing but my conviction of the opinion of parliament, and my sense of public duty could possibly have overcome. After what I have said, I trust the hon. gent. will see the propriety of withdrawing his motion. Every public object is now obtained which the motion could accomplish, and I am sure the hon. gent. has candour and humanity enough not to press a discussion, the only effect of which must be to wound the already severely afflicted feelings of an unfortunate individual.

Mr. *Fox*—Since the right hon. gent. has told us that at last he has condescended to advise his majesty to remove lord Melville from his privy council, I would wish to know whether that has been done in consequence of the resolutions of the house of commons? At all events, sir, we have reason to rejoice in the triumph which justice has experienced, when we consider that they were compelled at length to give this advice who were for protecting lord Melville, because he was "an old and faithful servant of the crown," and had only acted contrary to the intention of the act of parliament! Why was this advice not given immediately after the address of the 10th of April, for which the right hon. gent. expresses such profound veneration? He comments upon this address, and considers it merely as an official notice to his majesty of the proceedings of the house. So it was; but why was it thought proper to give such a notice? Surely, sir, for the purpose that ministers might take such measures, as they might not be so strictly bound to take, if the notice had not been given. This, sir, was understood, and strongly urged at the time. But if the right hon. gent. then understood the sense of the house in such a manner that he did not think it his duty to advise the erasing of lord Melville's name from the list of privy counsellors, how comes it that he has now given that advice? How has he since collected the general opinion of the house in a way to induce him to alter his sentiments so materially? But he says, that he has canvassed the opinions of several individual members. Sir, there seems to be strong grounds to suppose that this is a compromise adopted in consequence of a ministerial intrigue, rather than an act implying any deference to the opinions of this house. I do not know that however. I am only in possession of what the public in general know on the subject.—Now, sir, one word as to the time. The right hon. gent. takes the last moment for giving this advice, in order, as far as possible, to divert the censure of this house from lord Melville. Notice was given of the proposition, the very first day, I believe, that the business came before the house. Allusions to it had been made in subsequent proceedings; but it is not till within half an hour of its being brought forward, that the right hon. gent. comes down and makes this communication, from the well founded terror, that if he permitted the question to go to a division, he would be left in a minority. But is it now precisely the same thing as if it had been done long before? Does it not shew clearly, that every thing within the compass of possibility is to be done in favour of lord Melville? First, it was maintained that he only acted contrary to the *intention* of the law: then he was permitted to resign his office of first lord of the admiralty, to prevent his being turned out. And now at last, when nothing can be done to prevent it, he is erased from the privy council. The difference between its being done now and done before is, I acknowledge, as far as the public are concerned, not very material; but it will be recollected, that the right hon. gent. held out till he could hold out no longer without a certainty of being beat. I trust, however, that things will now speedily be finished, however tardily they may have been begun, that the house will follow up the public opinion, and that every measure will be taken that can afford security to the people, not by making legislative provisions for the future, for these may be disregarded, as they have been already, but by inflicting proper punishment where it is deserved. This triumph has not been willingly gained, but has been extorted by the sole consideration that a majority would oppose lord Melville if he was further defended. I can assure the house that there is every symptom of the country being seriously agitated, and that it will not readily place much confidence in those who have exerted themselves so much to screen a delinquent, though they have at last been obliged to give him up.

The *Chancellor of the Exchequer* stated that the resolution he had announced to the house had not the least connection with any transaction out of doors. This he most distinctly denied. As to the allusions of the hon. gent. who had just sat down, to what he called a canvas of the members, he saw nothing censurable in his availing himself of his extensive intercourse with members to ascertain their sentiments upon any public question. This was a right which belonged to any member of that house, and he believed it was the general practice with every member who had any proposition to bring forward. When he found that any particular proceeding was wished for by a majority of the house, he thought it but right and respectful to take that proceeding at once, and thus prevent the necessity of debate. By this course the time of the house was saved, and its opinion treated with due deference. What he had done in such a way he by no means thought inconsistent with his official duty, or the respect he owed to the constitution and privileges of that house.

Mr. *Fox* disclaimed having said, that he believed the change in the right. hon. gent's. conduct to proceed from the transaction referred to out of doors. Nor did he mean to impute blame to an endeavour to consult the opinion of members upon any public question. But he expressed his surprize that if this measure had been taken in compliance with the sense of the house, it had not been taken earlier—that it had not immediately followed those resolutions which passed the house so long since.

The *Chancellor of the Exchequer* observed, that there was not one word in the resolutions alluded to, recommending the removal of lord Melville's name from his majesty's councils, or at all relating to it.

The *Secretary at War* (Mr. W. Dundas) corroborated the statement of the chancellor of the exchequer, that the resolutions referred to contained no expression of an opinion that the name of lord Melville should be erased from the list of his majesty's council. Nor did the hon. gentleman who spoke last but one (Mr. Fox) express any wish to that effect. On the contrary, the hon. gent. was heard to glory in his own dismissal and that of another person, from the list of his majesty's council, and to state his hope that that would not by any part of the public be considered a disgrace. Was not this then pretty clearly to express an opinion, that it was not his desire to produce that effect which had been communicated to the house, with regard to lord Melville, whom it was so much the study of the hon. gent. to degrade? The house, however, witnessed the hon. gent.'s conduct, and it was for them to judge whether it sprung at all from a love of public equity, or was influenced by any feeling of humanity. It had been stated that the noble lord was guilty of public plunder, and therefore incapable of those feelings which would entitle a man to compassion. But he most positively denied that any such guilt could be ascribed to him. That he had connived at the misconduct of Trotter, he was ready to admit, but that he had participated of any of the emoluments resulting from that misconduct he ever should contradict. Nothing had appeared before the house to justify the charge of lord Melville's having joined in public robbery, and if any gentleman should assert such a thing, he was prepared to meet him. With respect to the hon. gent.'s professed desire to punish and prevent peculation, and the improper use of the public money, the house and the country must recollect enough to be enabled to judge of the sincerity of his professions. For need it be told, that from the year 1765 to the year 1782, lord Holland derived, to his own private profit, an interest of 15,000l. per annum from the use of the public money, as paymaster of the army, and that not one farthing of this money had ever since been paid [*a loud cry of Order, Order! but still the right hon. gent. proceeded*]. Was not the hon. gent. aware, when he was indulging himself in what he termed speculations, but what was commonly called gambling, that he was squandering the property of the public? Did he not know that the peculations of lord Holland furnished him with the means of defraying the extravagancies of early life? [Here there were strong marks of disapprobation throughout the house.] The right hon. gent. concluded with observing that he might be thought severe, but if the hon. gent. felt what he said, he had himself to thank by provoking it.

Mr. *Fox.*—As the right hon. gent. has thought proper to make such a pointed allusion to the conduct of my father, I hope for the indulgence of the house while I submit a few observations. For although a considerable time has elapsed since the death of the person to whom the right hon. gent. alludes, I cannot but feel a high interest in any thing that concerns his reputation. What the right hon. gent. could mean by calling him to my recollection in this instance, unless to create an uneasiness in my breast, I am at a loss to imagine. For how does the case of my father apply to that of lord Melville? The case of lord Holland is as clear as light. There was no law to forbid the paymaster of the army to apply the balances remaining in his hands to any purpose of private emolument, in the way described at the time lord Holland held that office. Taking the fact as it stands, if, as the right hon. gent. alleges, it was criminal in a public officer to make use of the public money for his own private profit, when there was no act of parliament against it, *à fortiori*, it was still more criminal after the act had passed. The difference between the case of lord Holland and lord Melville is this, that the conduct of the former was not against law, while that of the other was in the very teeth of a law proposed by himself. What then does the right hon. gent. gain by the reference? That the practice which obtained in the office of the paymaster of the army was generally right, I am not now going to argue. But I do remember, and it must be in the recollection of the house, that at the time the practice was under discussion, very different opinions prevailed among the most eminent lawyers in the country upon this question, whether the paymasters were accountable to the public for the interest arising out of the balances remaining in their hands. I know that the negative of this proposition was maintained by many persons of high consideration, but most certainly the weight of eminence and authority was on the other side. For it was held that the balances were not the property of the public, but that of the public creditors. This question was repeatedly discussed in this house, under various administrations. I will not mention that of the marquis of Rockingham, because that ministry might be supposed to have some regard for me—but it was very fully canvassed during the administration of lord North, when, indeed, no such supposition of favour could exist. And what was the result?—why, that a committee appointed to consider the case reported that the practice referred to was regarded as a privilege belonging to the office of paymaster of the army, and that it had universally prevailed with those who held that office, with the exception of the father of the gentleman over against me (lord Chatham) and perhaps another. If it were deemed a criminal practice, no doubt some measure of prosecution would have been instituted. But the feeling was different. Nay, the house so felt it, and evinced its sentiment afterwards by granting an increase of the salary attached to the office, in lieu of such privilege. That sentiment was decidedly expressed in the resolution of the committee, upon which the salary of lord Melville, as treasurer of the navy, was augmented in order to compensate for the loss of the emoluments resulting from the use of the public balances, which from the period of that augmentation was entirely to cease. Recollecting, therefore, that the practice of which the right hon. gent. has accused my father did prevail among the paymasters of the army up to the time at which the salary of these officers was increased at the appointment of Mr. Burke and Mr. Barré, I cannot see any analogy between the case of lord Holland and lord Melville. With respect to the allusion which the right hon. gent. has made to my conduct in early life, I have to be sure, as the right hon. gent. terms it, gambled a good deal. I also feel that I continued that practice much too long, and lost a considerable sum of money. My father, no doubt, left me a large fortune—but how the right hon. gent. can infer that my manner of spending that fortune can afford any proof of my connivance, in what he considers my father's improper manner of obtaining it—or that I was a party to the misappropiation of the public money, I leave it to the house to conjecture. That those who are the relatives, or who have had the misfortune of being in any degree connected with lord Melville, should feel affected by the disgrace into which he has fallen, is, I admit, very natural; but yet I think that such feelings should not be suffered to stand in the way of a great public duty—and certainly it would be much more delicate not at all to express them in this house. I shall now say no more than to observe, that if it were the object of the right hon. gent. to wound my feelings, he has entirely failed, and to repeat, that if he had succeeded in fixing the imputation of guilt on the conduct of my father, that success would only tend to aggravate the guilt of lord Melville.

Mr. *Whitbread* said in explanation, he had never charged lord Melville with participating in the plunder of the public, because that had not appeared. If hereafter it should be made out, he would bring the charge. The inference had arisen from what he had said of lord Melville's connivance at Mr. Trotter's misuse of the public money. He would not press his motion, though he thought the house of commons and the majesty of the crown would have been more satisfied if the erasure had taken place in consequence of the address of the house. One question only he wished to have answered before he withdrew the motion. Did lord Melville hold any office under the crown during pleasure?

The *Chancellor of the Exchequer* said, he believed he did not.

Mr. *Fox* said, there was a report abroad, that one of the offices held by the noble lord, was during pleasure. The motion relative to the grants in Scotland, of which notice had been given by a noble friend of his (lord H. Petty), now absent, from a circumstance (the death of the marquis of Lansdowne) which every one regretted, would shew how this was.—Mr. Whitbread then withdrew his motion.

[STIPENDIARY CURATES' BILL.]—On the second reading of the Stipendiary Curates' bill being put,

Mr. *Western* rose, and said, that the subject was one of the greatest importance, and entitled to the fullest investigation. He conceived the object of the bill to be no less than a direct attack on the church establishment, and an invasion of ecclesiastical property. He could not assent to the power proposed to be vested in the bishops, which he considered sufficiently great already. He highly disapproved of any measure which subjected the clergy to the absolute dominion of those spiritual lords; and would not this be the case, if they had the power to grant the fifth of the incumbent's property to the curate, and set an arbitrary valuation on the glebes which they were to occupy. With a view, therefore, of giving the incumbents, and other persons concerned in church property, a fair opportunity of considering the principle and application of the bill, he should conclude with moving, that the second reading be postponed to this day fortnight.

Mr. *Creevey* seconded the motion. He said, that although this bill professed only to encourage the residence of curates, the effect of it would be to transfer to the curates above one-fifth of the whole revenue of the rectories. He particularly objected to that clause which proposed to empower the bishops to let out the glebe to the curates, at any rent they pleased.

The *Attorney General* defended the principle of the bill. The principle was the same with that of several laws on the statute book. A similar bill had passed the house of commons twice lately; from which the present differed only in as far as it was framed to obviate the objections of the upper house of parliament. The grants to the curates were in consideration of residence; and both by the common law and canon law the incumbent was obliged to do the duty of the church, or forfeit by non-residence. There was nothing in the bill subversive of the principles of the constitution of the church of England, whose property and rights no man living would be more ready to uphold and assert than himself. Now, as there were several clauses in the bill unfilled up, if gentlemen would consent to its going into a committee, to fill up the clauses, he should propose that the report should be received on Wednesday se'nnight, a period of delay which he hoped gentlemen would allow to be quite sufficient.

Sir *W. Scott* could not bring himself to think that there was any danger to be apprehended to our church establishment from the passing of this bill. When the duty was performed for the incumbents, they ought not surely to deal out with a niggard hand the stipend for that service.

Sir *J. Wrottesley* did not object to the principle of the bill, but he wished the right hon. gent. (the Attorney General) to consider the propriety of giving glebes to the curates under the provisions of the bill as it now stood; if the glebe ground was in tillage, it might be ruined in a short time, or if in grass, it might be so much injured in a few years, that the loss to the incumbent would be irreparable. He had no objection to the curates having the glebe, house, and garden, but he could not give his consent that the glebe be disposed of according to the valuation of the bishop.

Lord *Porchester* expressed himself against the bill, and observed, that although it was compulsory on the incumbent as to the payment of the fifth of his income if over 400l. yet that the curate was not obliged by any clause of the bill to do the duty.

Mr. *Fellowes* thought that the bill did not go far enough.—Mr. Western then withdrew his amendment; after which the bill was read a second time.—Adjourned.

HOUSE OF LORDS.

Tuesday, May 7.

[MINUTES.]—Lord Holland was sworn, and took his seat.—The consideration of the Appeal Cause, from the court of chancery in Ireland, Rowe *v.* Powell, which stood over since last session, being resumed, the Solicitor General and Mr. Adam were heard at considerable length, on the part of the respondent. After which their lordships deferred the further hearing of counsel till Monday.

[ABROGATION OF A STANDING ORDER.]—The order of the day for taking into consideration the Standing Order, No. 30, being read,

Lord *Mulgrave*, pursuant to notice, brought forward his motion for erasing from the book which purported to contain the Standing Orders of the house, the Order, No. 30, which empowered any individual peer to move the house to go into a committee when he wished to speak upon a question more than twice, or with a view to enlarge the freedom of debate. His lordship did not well know whether he should dwell upon the regulation as a standing order of the house, or merely as an admonition or remembrance, in which light it seemed to be considered by the noble lord on the woolsack. But in whatever point of view it might be regarded, he could not but look upon it as a standing order of the house, and as such he should touch upon the various reasons which should induce the house to discontinue it. He had therefore to represent the abuse of such an order as pregnant with the most pernicious consequences. It was not only incompatible with the dignity of the house, and the impartiality and solemnity of their proceedings, but it also went to infringe the privileges of the house, by rendering nugatory the interposition, in the case of such committees, of proxies or protests. It would preclude every opportunity which any but great and powerful debaters could avail themselves of to engross the whole discussion of any question, however important, by continually resorting to the expedient of moving for a committee, under the cover of this Standing Order.—Besides, what a powerful and dangerous engine might it not prove in the hands of a despotic government, or of a turbulent and factious opposition, who, by protracting any discussion that might involve the most important affair, must throw almost insuperable obstacles and embarrassments in the way of public business. He should not insist on the slighter inconvenience which an enforcement of such an order might frequently produce, but the arguments he had already advanced against its being longer continued were, in his mind, fully sufficient to justify him in now moving, that the said Order be vacated. In addition to these very objectionable considerations, it clashed with, and even rendered nugatory, an important standing order of the house, No. 19, which prohibits any noble lord from speaking twice in the same debate. It could not be called a standing order, for all these required two days notice, even for their suspension. The present, from its essential nature and effect, admitted of no such previous proceeding. He could see no adequate reason which could possibly be advanced for continuing such an order on the book. Therefore, with such impressions of it on his mind, he felt it incumbent on him to propose, "that the said order be vacated."—On the question being put;

The Earl of *Carnarvon* rose, and contended the noble lord was totally mistaken, as to the effects of the order. It did not refer to the raising a committee for the purposes mentioned by the noble lord; but merely to afford a greater latitude to the freedom of debate. The objection, with respect to the proxies and protests, did not apply, as all questions were ultimately decided by a house, wherein these could freely be given. There was never an improper use made of the order; and it was incumbent on those who urged propositions, tending to cramp the freedom of debate, to prove that such an order had produced specific inconveniences: deeming of the order as he did, he should certainly vote for its continuance.

The *Lord Chancellor* was of opinion, that, upon the whole, the order in question admitted of serious objections; and many of those advanced by his noble friend were, he thought, well founded. It could not, however, be considered as a standing order. It was, to speak strictly, a remembrance; from the time of its being enacted, which was in 1626, to the present, it had, he believed, been but twice acted upon. This in some degree shewed its inutility; its possible injurious effects were obvious. He agreed that questions must be ultimately decided by the house; but still the order or memento should not be suffered to stand, at least without some material alteration or amendment, as the very circumstance of resolving the house into a committee through it, may be productive of mischievous consequences, as therein the sense of a decided and great majority of the house (proxies not being admissible) may be counteracted.

Lord *Grenville* was for retaining an order from which no practical inconvenience had resulted since its adoption in the year 1626. It appeared that it had only been enforced three times; 1st, when an attempt was made to deprive some members of that house of their seats by introducing a bill, requiring certain qualifications; 2dly, when it was thought fit to propose that certain words introduced into a protest should be expunged; and, lastly, when certain questions were moved to be submitted to the judges, in the case of Mr. Justice Fox. In all these cases the enforcement of the order appeared to his lordship highly proper.

Lord *Harrowby* argued generally in favour of the leading observations of the noble secretary of state. He was answered by

The Earl of *Radnor*, who maintained a contrary opinion.

Lord *Hawkesbury* argued briefly against the continuance of the order. His grounds were the more prominent positions of his noble colleague.

Earl *Spencer*, who was not inclined to speak even once upon the present question, were it not for some points he heard advanced that evening, observed, that the order existed an interval, not greatly short of 200 years, and no inconvenience had been proved to result from it With respect to the appellation of " remembrance," such was the general head given to all the orders in the book, and he denied that it clashed with the order No. 19, as peers were usually suffered to speak in explanation of any point they had before advanced, which could not be considered as speaking twice.

The *Lord Chancellor* quitted the wool sack, and was apparently about to propose something in the way of amendment, when, being apprised of its being in some degree informal, in that state of the proceeding, by one of their lordships, he sat down. The question was then put, and the house divided—For the motion, including 15 proxies, 29—Against it, including 8 proxies, 22—Majority for vacating the Order, 7.—Adjourned.

HOUSE OF COMMONS.

Tuesday, May 7.

[Minutes.]—On the motion of Mr. Calcraft, a new writ was ordered to be issued for the election of a representative to serve in parliament for the city of Coventry, in the room of Francis William Barlow, esq. deceased.—Mr. Foster gave notice that to-morrow he would move for a committee to consider of the consumption of beer in Ireland, and of making an allowance to the retailers of spirits in the cities of Dublin, Cork, Waterford, and Limerick, for the losses which they may incur in consequence of the new regulations. He should also move for a committee to inquire into the Stamp Duties Act for that part of the United Kingdom.—The Irish Post Road bill was committed, and ordered to be reported to-morrow.—The Irish Promissory Note bill, and the Irish Bank Tokens bill were reported, and ordered to be read a third time to-morrow.—The Irish Loan bill was read a third time, and passed.—The Paymaster General's Office Regulation bill was read a second time, and ordered to be referred to a committee on Monday next.—Mr. George Ponsonby rose to make the motion, of which he gave notice yesterday, relative to the Country Road act. He said, by the present law, the grand jury at the spring assizes were empowered to make improvements, and the money is to be raised at the summer assizes. But there was no power in any one to retain any sum for particular purposes, so that if a road was made of bad materials, and grew bad, there was no sum at disposal to make it better, but it must remain so till next year. One of the objects he had in view was, that the overseers or road makers should retain such a sum as might be deemed necessary to fill up such chasms as might be made in roads. Another, that in several parts the roads must be made with stones, and they who make the roads have not proper weapons to break them. The jury should, therefore, provide those. He hoped the gentlemen from Ireland would not think him an enemy to the present system; on the contrary, he wished the grand jury to have more power if necessary. He concluded with moving, "that leave be given to bring in a bill to amend the laws now existing relative to making roads in Ireland, pursuant to presentiments of grand juries." Granted.—A petition of the master, wardens, freemen and commonalty, of the mystery of vintners of the city of London, under their common seal, being offered to be presented to the house; the chancellor of the exchequer, by his majesty's command, acquainted the house, that his majesty, having been informed of the contents of the said petition, recommended it to the consideration of the house. Then the said petition was brought up, and read; taking notice of the bill to alter and amend an act, passed in the 40th year of his present majesty, for making wet docks, basons, cuts, and other works, for the greater accommodation and security of shipping, commerce, and revenue, within the port of London, and for extending the powers and provisions of the said act; and setting forth, that the petitioners apprehend they may suffer loss or damage by reason of the works mentioned in the said act, and submit that they are entitled to compensation in respect thereof; and therefore praying, that provision may be made in the said bill for that purpose. Ordered, That the said petition be referred to the consideration of a committee; and that they do examine the matter thereof, and report the same, as it shall appear to them, to the house. And a committee was appointed accordingly; and the said committee have power to send for persons, papers, and records.—Mr. Calcraft moved for the following papers, which were ordered;—a copy of the grant or charter of her majesty queen Elizabeth, to the corporation of the Trinity House of Deptford Strond, dated 11th June, in the 36th year of her reign: a copy of the grant or charter of his late majesty king Charles II. to the corporation of the Trinity House of Deptford Strond, dated 24th June, in the 17th year of his reign: an account of the quantity of all the ballast on the river Thames, which has been shipped from the several wharfs within the jurisdiction of the corporation of the Trinity House of Deptford Strond, for the last 30 years, particularizing the quantity shipped in each year, and for which the said corporation received one penny per ton, and distinguishing the kind or quality of the ballast shipped: an account of the quantity of ballast taken from the bottom of the river Thames by the corporation of the Trinity House of Deptford Strond, in each year during the last thirty years: for an account of the quantity of ballast taken by the corporation of the Trinity House of Deptford Strond, in their lighters, out of vessels which have entered the port of London, in each year, for the last thirty years, whether such vessels were partly laden, or in ballast."—On the motion of the Attorney General, the house went into a committee on the Stipendiary Curates bill, which after being reported, was recommitted for to-morrow.—On the motion of the Chancellor of the Exchequer, the house went into a committee on the Property Duty bill. Previously to its commitment the chancellor of the exchequer stated, that the clauses he proposed to introduce into this bill were merely of a verbal nature, or such as related to regulation only, and not such as would produce any alteration in the rates or quantum of the duty. A number of clauses were then severally read, and, after a good deal of conversation, agreed to. The report was ordered to be received on Friday next.—Mr. Alexander brought up the report of the committee on the deficiencies of the civil list, when the resolution granting to his majesty the sum of 10,458*l.* 1*s.* 6¾*d.* for the purpose herein mentioned, was read and agreed to.—The committee on the Irish Land Partition bill was postponed till to-morrow.—Mr. Loveden, on Monday, gave notice of a motion to be brought on Thursday the 16th inst. He said he did not apprehend it could occasion much discussion, as it would be similar to what he had formerly proposed; for fresh lists of unpaid or unclaimed dividends at the bank, &c.—but he meant to push the enquiry further than he had before done, and to call for an account of the suitors money locked up by the court of chancery.

[IRISH ELECTION BILL.]—On the question that the Irish Election bill be read a second time,

Colonel *Bagwell* said, he had no objection to the principles of the bill, and hoped, therefore, it would then be read a second time.

Mr. *Lee* said, that although he should accede to the second reading, he did not mean to exclude himself from objecting to some particular parts of it.

Mr. *George Ponsonby* said, that if the principle of the bill was to ascertain accurately those persons who had a right to vote at elections, and to make that right known to those who were candidates, he approved of the bill; but still there were many clauses to which he meant to object in the committee.

Mr. *Richard Martin* objected to the bill going into a committee. By one clause in it, any person has a right to enter a traverse against the title of every 40s. freeholder, and it would take fifteen years value of it to pay the expences of defending his right. Besides, the bill vilified the country; for it says that all vice was attributable to the poor, and all virtue to the rich; he therefore objected to it, on the ground of unseemliness. He thought the election law of the two countries should be assimilated as nearly as possible, and this subject should not be taken up on such light and flippant grounds as it had been. He thought a committee should be appointed to take the matter into consideration.

Colonel *Bagwell* said there was no duty on freeholders, except on leases, and that was necessary, in order to ascertain the right to the freehold.

Sir *John Newport* thought he saw several objections as to the traverse and other points, but these might be modified, altered, or done away in the committee.

Earl *Temple* said a few words in favour of the bill going to a committee. After which the bill was read a second time, and ordered to be committed on Thursday.

[PETITION FROM BEDFORD RESPECTING THE 10th NAVAL REPORT.]—A petition of several freeholders of the county of Bedford, was presented to the house and read; setting forth, "that the petitioners unite with their constituents at large in thanking the house for their resolutions of the 8th and 10th of April, founded on the tenth report of the commissioners of naval enquiry: by the first of those resolutions the house vindicated the character of their country, by censuring a minister proved to have been guilty of a gross violation of law, and a flagrant breach of duty; by the second, the house laid before the sovereign the sense of his people, and enabled him, by a ready compliance with their wishes, to endear himself more than ever to their loyal and affectionate hearts; and the petitioners implore the house steadily to persevere in detecting all other abuses which are pointed at, as well in the tenth as in the eleventh report of the said commissioners, attentively to investigate all irregularities which may be brought to light by any of their succeeding reports, impartially, minutely, and resolutely to examine into the public expenditure in all the other branches of administration, and to inflict exemplary punishment on all who shall be found guilty of, or in any wise aiding, abetting, or conniving at similar frauds and depredations; and that the petitioners are thoroughly persuaded that it is needless for them to urge any fresh motive to the house in order to induce them to adopt such measures; they rely upon the knowledge the house have of their duties, and upon their sympathy and fellow feeling with their constituents, who, during a long, a difficult, and trying period of war, in times of severe hardships and scarcity, have chearfully submitted to the heaviest burthens; that what they granted liberally should be applied honestly was the least the petitioners could hope from men whose consciences and bounden duty enjoined a faithful discharge of the great trust reposed in them. Disappointed of this hope, and finding on the contrary that a minister filling many great and lucrative offices, high in the confidence of his sovereign, one of the foremost in his pretended efforts to reform abuses, has been at length himself detected in conniving for a series of years at the foulest peculation: the petitioners now approach the house with their claims to protection and justice; and they trust, therefore, that in prosecuting the inquiries necessary for these ends, the house will proceed in that spirit of firmness and integrity which dictated the resolutions of the 8th and 10th of April; and that they will not trust this great cause out of their own hands, nor again suffer themselves to be deceived by the plausible promises of men who openly violate the laws of the legislature, and hold in defiance and contempt the wholesome guards they enact against the possible malversations of office; and that the petitioners also trust that the example of the past will act upon the house as a warning for the future; that they will see and acknowledge the just value of those principles on which our ancestors established the power and authority of the house of commons; that the house will feel their office to be that of control over the servants of the crown; and that jealousy and vigilance instead of confidence and compliance, are their true and distinguishing characteristics; to this system the petitioners humbly hope that the house will direct their immediate and unvarying attention, as the system by which the country may best be defended, and as the only one under which the constitution can be safe."

[PETITION FROM NORFOLK RESPECT-

ING THE 10th NAVAL REPORT.]—A petition of the gentlemen, clergy, and freeholders of the county of Norfolk, convened by the high sheriff of the said county, at the castle of Norwich, in the shirehouse there, on Tuesday the 14th day of May 1805, was presented to the house and read, setting forth, "that the petitioners beg leave to express their gratitude to the house for the steps which they have already taken towards the detection and punishment of those servants of the crown who have defied the laws, broken their trust, and applied enormous sums of the public money to their own corrupt purposes of emolument and power; and that in the name of a loyal and suffering people, the petitioners implore the house not to relax in their exertions; they intreat them to consider how patiently the petitioners have seen millions added to millions of the national debt, the rapid advance in every article of consumption, their burthens increasing, and their means of bearing them diminishing, in the just hope that while engaged in extensive wars what they contributed with cheerfulness would be applied with fidelity, and as the law expressly directed; and that faithful to their first duties, the house have recorded, by the resolutions of the 8th and 10th of April, that the people of England have been grossly wronged by lord Melville; and the petitioners humbly represent to the house, the necessity of effectually protecting the nation against future depredations; and therefore praying the house, first, to investigate and sift to the bottom the remaining charges of abuse in the application of the public money, contained in the tenth report of the commissioners of naval enquiry: secondly, to examine minutely into the nature of those irregularities brought to light in the eleventh report of the said commissioners, and likewise whatever may appear culpable or suspicious in any of their future reports: thirdly, to institute immediate and rigorous enquiries into the expenditure of every other department of executive government; and that in performing these acts of necessary and expected justice, the petitioners are persuaded that the house will take no other guides than its own wisdom and resolution; and that, warned by the example of detected guilt, and awake to the frauds which have been practised upon their own facility, as well as upon the public purse, the house will perceive the necessity of resorting to those principles which prevailed in the better days of our constitution, and of acting upon a system of vigilance and jealousy in preference to one of blind and implicit confidence in ministers."

[PETITION FROM SOUTHAMPTON RESPECTING THE 10th NAVAL REPORT.]—A petition of the inhabitants of the town and county of the town of Southampton was presented to the house and read; setting forth, "that the petitioners would feel themselves criminally indifferent were they not to express their gratitude for the votes of the house on the 8th and 10th days of April last, which declared lord viscount Melville guilty of a gross violation of the law and a high breach of duty, votes which have diffused joy and confidence throughout every part of the united kingdom; and that, among the various irregularities and abuses which have been detected and exposed by the commissioners of naval enquiry, none has created more jealousy and alarm in the breasts of the petitioners than the application of monies, appropriated by the legislature for the uses of the navy, to other purposes, a practice replete with danger to the constitution and to the liberty of this country; and that the detection of such malversations in one department of the state induces apprehensions that others may not be more faithfully and honestly administered; and the petitioners therefore think it their duty to implore the national representatives that their intention, already manifested, of instituting enquiries into every branch of the public expenditure, may be speedily carried into effect, a measure calculated to compose the public mind, to confirm the confidence, and to secure the unanimity and energy of the people."—Ordered to lie upon the table.

[PETITION FROM NORTHUMBERLAND RESPECTING THE 10TH NAVAL REPORT.]—A petition of the gentlemen, clergy, and freeholders of the county of Northumberland, held at Morpeth on the 24th of May 1805, was presented to the house, and read; setting forth, "that the petitioners beg leave to congratulate the house on the result of the discussions that have taken place in the house respecting the gross peculation and misapplication of the public money, in open defiance of the law, that have been detected by the commissioners of naval enquiry; and they pray the house to persevere in that virtuous line of conduct, which on that important occasion diffused such general satisfaction throughout the country; and they intreat the house not only to continue their enquiries into the abuses in the department of the navy, but to extend the same into every branch of the public expenditure, and to adopt a solid and permanent system of economy, well convinced that rigid frugality alone can enable this country to support the present enormous weight of public burthens, and sustain the awful contest in which we are engaged: and the petitioners implore the house to punish guilt, however protected or exalted, and to rescue from peculation and plunder a loyal people, who have ever willingly contributed to the real exigencies of the state, and who never complain but when their generous temper is imposed upon, and thus will the commons of the united kingdom confirm the confidence of the people, and instil into the hearts of all good men a warm and steady attachment to the British constitution."—Ordered to lie upon the table.

[PETITION FROM THE NAVY BOARD RESPECTING MR. TUCKER'S PETITION.] Sir *A. S. Hamond* presented a petition from the commissioners of the navy; the object of which was, he said, to obtain from the house permission for the navy board to exculpate themselves from the charges made against them, in a letter of Mr. Tucker, formerly a commissioner, addressed to the board of admiralty, on the 24th of April: a copy of which letter had been ordered to be laid before the house. The object of the commissioners in this petition was, to have laid before the house two letters, with their inclosures, addressed by them to the admiralty, on the 4th instant, which they deemed indispensable to the vindication of their own honour, from the charges made in the letter first mentioned, and in which they pledge themselves to refute the statement made by Mr. Tucker.—The petition was received, and is as follows: "A petition of the there undersigned principal officer's and commissioners of his majesty's navy was presented to the house, and read; setting forth that the petitioners have learnt from the votes, that Benj. Tucker, esq. late a commissioner of his majesty's navy, did, on the 25th of April, present a petition to the house, praying that a copy of his letter to the secretary of the admiralty of the 24th of April might be called for, and which letter has been since laid before the house, and printed; and that the petitioners deeming Mr. Tucker's petition and letter of a most libellous and slanderous nature against them, they have felt themselves bound to address the lords commissioners of the admiralty in vindication of their honour and the proceedings of their board; and being anxious to remove any impression which may have been made in parliament to their disadvantage by Mr. Tucker's letter and petition, they pray that the house will be pleased to give directions that a copy of the petitioners' two letters to the secretary of the admiralty of the 4th instant may be laid before the house."

Sir *A. S. Hamond* then moved, that copies of the letters from the commissioners of the navy to the board of admiralty, of the 4th instant, be laid on the table.

Mr. *Kinnaird* rose, not, he said, to oppose the motion, but to call the attention of the house to the time and manner in which it was brought forward by the hon. member. Six weeks had now elapsed since he (Mr. Kinnaird) had given notice of his intention to bring forward a motion of enquiry respecting the conduct of an hon. officer (sir Home Popham) on the ground of which motion he was certainly fortified, and very considerably, by the letter alluded to. During the whole of that time, the navy board seemed to betray no anxiety for the character of that hon. officer; but now, on the very eve of the day fixed for bringing forward the motion, the hon. member had come forward with a petition from the navy board, and without any previous notice had moved for the production of letters, written but three days since, which, before the house knew any thing of their contents, were professedly calculated to overturn all imputation upon the navy board, with respect to the hon. officer. How was it that the navy board, who seemed so much alive to injurious imputations, had not written those letters of vindication sooner, or why was the production of them deferred to so late a moment, as to render it almost impossible for them to be printed in time for the due consideration of members? He hoped the house would be gratified with some explanation on this ground from the hon. member. He (Mr. K.) had given notice to bring forward his question to-morrow, and by that notice it was his intention strictly to have adhered; but he begged to remind the house, that this was the very first intimation received of any document intended to be brought forward in contradiction to those documents already before the house, and upon which solely members were left to form their opinions: he would therefore be guided by the opinion of the house, whether he was bound to abide by his former notice in bringing forward his question to-morrow, if the letters moved for by the hon. member should turn out to be of such a nature as to place his intentions in a view in which they ought not to stand, or involve any new matter that required farther deliberation, or rendered necessary the production of other documents, in order to the fullest and most mature discussion of a subject so highly important. To vindicate his own conduct, as well in first proposing to bring forward the enquiry, as in persevering to that end, he begged leave to read the following passage from the letter of Mr. Tucker to the board of admiralty, so strong and so clear upon the subject, that he was at some loss to conjecture how the navy board, by any letter of theirs, could refute statements evidently made upon the ground of their own reports and accounts: "having, I trust, fully vindicated every part of my conduct through the whole of this investigation, I think it my duty to their lordships, to the country, and to the house of commons in particular, to call their attention to one of the papers which has been laid by the navy board before the house of commons, dated the 19th February, 1805, (page 301,) purporting to be "an account "of the expences of the Romney, from the "25th Nov. 1800, to the 2d June, 1803, "as nearly as can be ascertained at the navy "office," in order that their lordships may judge, whether that paper could have possibly been drawn up with any other view than to deceive and mislead the judgement of parliament. That account is declared to be framed, so as to bring under one point of view "how much she exceeded the proportion of the vote of parliament allowed for wear and tear, or came within that sum." Sir, in that statement there are omissions of the most extraordinary nature and magnitude; and I must take the liberty to add, in the language of the navy board, that I scarcely think there ever were such extraordinary means resorted to, to produce a particular effect! Will the navy board pretend that they have not examined that account before they signed it, and that their confidence has been a second time misplaced, and upon whom will they charge it? Or, sir, will they continue to vouch for the fairness and truth of that paper? Sir, in that paper they have omitted, by what accident they best know, all her repairs, and the stores supplied to her, between December 1801, and June 1803! They have suppressed all knowledge of the stores purchased in the Red Sea, and of those supplied at Madras, as well as of her repair and refit when she was docked at Bombay, in the months of October and November, 1802; notwithstanding they have, in that very paper, given credit for eight months stores which were brought home in her, and must of necessity have been received at one of these places; and that it appears (page 114), "a frigate could not have come out of dock at Chatham, by two tides, had it not been for the Romney's sea store of copper!" They cannot plead ignorance of these transactions; the purchases in the Red Sea have been reported on by the navy board to their lordships (page 378), and the repairs at Bombay have proved on oath (page 99), by the carpenter of the ship at Chatham, before the junior surveyor of the navy! These facts, sir, speak too plain to require any comment from me, or to be susceptible of satisfactory explanation any where, but at their lordships' table, or at the bar of the house of commons.—Having shortly adverted to this passage of Mr. Tucker's letter, he begged leave to ask the hon. member, whether the vindication he proposed to bring forward, applied merely to this part of the letter of Mr. Tucker, or to the whole; and to this question he requested to call the attention of the house, for it was of much importance to know, whether the vindicatory letters were intended to cancel the errors stated in this paragraph, or whether they took a wider scope? If to this only, he should bring forward his motion to-morrow. But if to the whole subject of enquiry, he should think it indecent to press his motion, until the house had full time to consider the subject of those letters, and be prepared for any subject of discussion they were calculated to introduce.

Sir *A. S. Hamond* answered, that although the letters in question were certainly directed to the leading subject of the hon. gent.'s motion, yet surely there were other topics to which it was equally necessary to direct refutation. He could assure him, however, the letters were so short as to require no delay for consideration, and might, he hoped, be printed in time, or might lie on the table for the perusal of members; and as to the delay of the navy board in writing to the admiralty to refute the assertions of Mr. Tucker, no avoidable delay had occurred; for when the hon. member was informed that the navy board were unremittingly employed in their avocations from ten in the morning till six in the evening every day, he would perceive they had little leisure to answer the long letter of a gentleman who had nothing to do. He begged to observe, that the navy board were brought into this question in a very extraordinary way. The hon. officer, who was the object of the enquiry, had stated himself to be extremely anxious that it should come forward, but on reading the original report, he stated that there were considerable inaccuracies in it, and referred for revision to the navy board; upon which revision it appeared that there were such inaccuracies. It was then upon this report that the imputations of Mr. Tucker were founded; but he trusted the navy board would not be refused the right of producing correct statements for their own vindication, which he pledged himself would prove those imputations to be unfounded.

Mr. *Kinnaird* said he should persevere in bringing forward his motion; but he begged the hon. member to recollect, that the original report was made six weeks ago, and that no attempt had been made to correct its alleged inaccuracies until after the suggestions of the hon. officer (of whose vindication he should be as proud as any man) and on the very eve of bringing forward the question upon the original report.

Mr. *Tierney* thought it would be right maturely to consider upon which of the two reports the house was to found its deliberations. He thought to-morrow too soon, however, to bring the question forward, as the documents now proposed to be brought forward might render it necessary to move for others. He could not see that the discussion, as it related to sir Home Popham, was likely to extend to any great length; for such was the nature of the several items for consideration, that it was impossible for any men but naval officers, professionally and technically acquainted with them, to be competent to the discussion. He hoped the hon. member would postpone his motion for a few days, more especially if the letters should turn out to be such as to require farther time for consideration.

The *Chancellor of the Exchequer* was inclined to think, the proper mode of proceeding in this case was not that which now seemed to be in the contemplation of gentlemen, namely, an open discussion by the whole house; but that it would be much more proper to refer the question, with all the documents thereon, to the investigation of a committee, who should be instructed to report the evidence, with their opinions thereon, to the house, and such he undersood to have been the original intention of the hon. member who proposed the question. But if it was to be an open discussion, he could see no inconvenience that would arise from the delay, if necessary, of a few days; but however that might be settled, he would take leave to say, it was quite impossible that any understanding on the subject should be arrived at to-day, as to any arrangement that might appear expedient on to-morrow. He hoped the house would not, however, proceed to any decision without a fair hearing, and affording a full opportunity to the gallant officer to bring forward every proof necessary for clearing his own character. It was not merely the character of the hon. officer, it was not merely the character of the navy board, that were at stake; there were other persons, in other quarters, whose characters depended on its result. It was a matter that involved some of the dearest rights of the constitution of this country, and materially concerned the exercise of prerogatives, which involved the safety of every man. A right hon. gent. seemed to think the subject one which could occupy no great length of discussion, but let it not be imagined, that the subject the question involved was to pass *sub silentio*, for it was one which demanded the fullest investigation.

Mr. *Tierney* was as anxious as the right hon. gent. to sift the subject to the very bottom; feeling, as he did, that the navy board stood in a situation of such high and important trust with the country, that it ought not to remain a single hour in a dubious light. He was therefore inclined to oppose any delay of the discussion not absolutely necessary; but as to the hon. officer, he could have no sort of objection to allow him every fair opportunity for his vindication.

Mr. *Kinnaird* said, he was far from abandoning the charge he had made, founded as it was upon the reports of the navy board themselves; but it was impossible not to see that the navy board themselves were connected with the charge, for they assumed to themselves that which only was meant to refer to the conduct of an hon. officer.—The motion of sir A. Hamond was put and agreed to; and shortly afterwards the letters were laid on the table by Mr. Dickenson, and ordered to be printed.

[NAVAL ADMINISTRATION OF EARL ST. VINCENT.] Mr. *Jeffery* (of Poole), agreeably to the notice of a former day, rose to bring forward his promised motion, for the production of several papers, relating to the naval department, during the administration of earl St. Vincent; and though, he said, they were certainly voluminous, there was not one amongst them idle, frivolous, or unimportant; but such as would not fail to make a strong impression upon the mind of the house, and fully to account for the depressed and degraded state to which the British navy was at this moment reduced; and which, had lord St. Vincent continued at the head of our naval affairs to this day, would have sunk to a state still lower, and less competent to meet the formidable enemy with whom we had to contend. He lamented that the task of bringing forward a motion of so much importance should have fallen to the lot of a person so humble and incompetent as himself; but seeing no other gentleman attempt to take it up, he felt it his duty to bring it forward. He was conscious there was no department in the country more important than that of the navy, or that more urgently demanded strict vigilance and minute investigation. He hoped his zeal upon this point had not carried him too far, or led him to endeavour to disclose too much, for secrets there certainly were, which ought not to be exposed to the possible knowledge of an enemy. Having, however, explained to the house the object of the motion he meant to submit, it would be for their wisdom to decide how far it was right to grant his request; but if the documents he should require should be allowed him, he would himself undertake to prove, to the conviction of every man who heard him, the position he had laid down. The hon. member then proceeded to detail to the house a series of eighteen motions for returns of the state of the navy, from the year 1793, to the present time, under the several heads of ships of the line and frigates, built in the king's yards, or those of the merchants, distinguishing the periods when contracted for, and when finished, or likely to be finished; the like of such vessels, broke up, or sold, or lost by capture or accident; the like of such vessels in commission, either home-built, or captured from the enemy; the like of vessels, manned and equipped for general service, and those for harbour service: these with a view of comparing the state of our navy during the administration of earl St. Vincent; and those which preceded his lordship's appointment, and immediately followed his resignation.

The *Chancellor of the Exchequer* said, that as to the first motion of those proposed by the hon. member, he had no great objection; but he was by no means prepared to judge of the propriety of agreeing, at the moment, to so long a string of motions, involving such a variety of subjects, many of which, upon mature deliberation, it might be utterly improper to comply with. He therefore hoped the hon. member would not be inclined to press such a series of motions, without giving some farther time for the house to consider the propriety or impropriety of agreeing to them.

Admiral *Markham* assured the house, that nothing could possibly give to the noble lord, whose conduct was the avowed object of the motions just proposed, higher pleasure than the production of every document, and the fullest investigation of every circumstance that in any degree concerned his character or conduct. That noble lord was conscious of nothing in his conduct that he could have the slightest wish to conceal; and, therefore, on behalf of the noble lord, and so far as he was personally concerned, he had not the slightest objection to the production of all the documents just specified, provided the friends of the noble lord were to be at liberty to move afterwards for the production of such other documents as they should think necessary on the other side of the question. But with respect to the motions, generally, he presumed the hon. gentleman was not aware of the extent and tendency they would go; not merely to the conduct of earl St. Vincent, but of the whole British navy, since 1793, to the present time. As to the distinction between ships built in the king's yards, or the merchants' yards, he had very strong objections, because it would disclose a history of the supplies of timber for our navy, and the sources whence furnished, foreign and domestic. And though the enquiry was certainly a most desirable one, there were very strong objections to a public disclosure of the result. The hon. admiral was ready to admit, our navy was not altogether in quite so good a state as could be wished; where the blame rested, he did not wish to say, but certainly it was not with the noble lord, upon the whole of whose conduct, so far was he from deprecating enquiry, that he anxiously desired and courted it.

Mr. *Grey* agreed perfectly with the hon. admiral; and as the friend of the noble earl, and on his behalf, declared, that he courted enquiry. But he would put it to the discretion of the hon. member, whether the advanced period of the session, and the many important topics still pending discussion, were circumstances which rendered it advisable for him to introduce, or probable that the house could possibly entertain so voluminous a string of resolutions, the most numerous he believed ever proposed at any one time in that house by an individual member. The production of the papers required, might render it necessary to move for others quite as voluminous; both must be printed, and what time could then remain of the sessions to read, to consider, and to discuss them? Much better would it be for the hon. member, if he had any charge to make against earl St. Vincent, to bring it at once. Let it be referred, with all the documents, to a committee, and let them report their decision; and if there appeared parliamentary ground for accusation against the noble earl, let it be followed up in a parliamentary way. The hon. member had talked of the disgraceful and degraded state of the British navy, during the administration of the noble earl. Upon what circumstance in the affairs of the navy, during that period, the hon. member had founded his assertion, he (Mr. Grey) was yet to learn; but he begged to ask the hon. member in what period of our naval history was the British flag more signally decorated with laurels in every quarter of the globe, than during the period of the noble earl's administration? If the hon. member had any charge to make against the noble earl, let him bring it forward. It was an enquiry desirable to the house, and to the country, and to none more so than to the noble lord. On behalf of the noble earl, therefore, he challenged the enquiry, and hoped it would not be relinquished.

Mr. *Jeffery* replied by saying, he did not bring forward these motions lightly. It was no light charge for him to state that the degraded state of our navy was entirely owing at this moment to the negligence of the noble lord. He wished, however, to bring no charge until the papers were before the house, out of which that charge was to arise. He wished to see his way before he made his charge; but if it was not founded in the documents for which he moved, he should most readily acknowledge his error, and be ready to apologize to the house and to the public officers for giving them unnecessary trouble.—With respect to the laurels acquired by the British navy under the noble lord's administration, they were attributable not to his direction, but to the eminent state of perfection in which he found that navy on his succession to its direction. It was then a navy fit for Britain to possess, and competent to meet and vanquish her enemies in every quarter of the globe; but was that the boasted superiority and perfection it maintained under the auspices of the noble earl, who never contracted for more than the building of two ships of the line? Was this the way to keep up the superiority of our navy, or was it not the certain road to that degradation to which it had since fallen? He disclaimed vindictive motives; he had voted with the glorious majority for the degradation of lord Melville, and he acted in this instance from motives equally just. He was cheered without doors by many men of character for his intentions upon this head, and he knew many independent members who, though they did not think fit themselves to bring forward this business, yet were glad to see the enquiry come forward. He had no objection however to postpone his motions to a more distant day, if the house wished.

Mr. *Grey* replied, that the hon. member had made out no charge against his noble friend, save by his own assertions: such a charge must rest upon other proofs.

Mr. *Jeffery* answered, the proofs must rise out of the papers.

Mr. *Tierney* wished the hon. gentleman to fix what day he would bring forward his charge.

Mr. *Jeffery* answered Thursday; and till then he had no objection to withdraw his motions.—Withdrawn with leave of the house.

The *Chancellor of the Exchequer* said, as many of the motions contained papers, the revealing of which might be detrimental to the public service, he hoped the hon. gentleman would give him a copy of the whole, that he might be able, in the mean time, to consider how far it might be proper to grant them; to which Mr. Jeffery agreed.—Adjourned.

HOUSE OF LORDS.

Wednesday, May 8.

[Minutes.] The committee of privileges appointed to search for precedents relative to the message from the house of commons respecting lord Melville, sat from two o'clock till five, during which time no strangers were admitted.—Prayers were then read, after which the lord chancellor presented a petition from the university of Oxford, praying that the restrictions on the Catholics might not be repealed, which was ordered to lie on the table.—The lord chancellor notified his intention of coming forward on an early day next week, with a motion for having some record or entry made on the journals, of the principle upon which the proceedings that hitherto obtained in the case of Mr. Justice Fox proceeded; or, at least, as far as such principles were understood by some of their lordships. He was apparently about to move for a summons in reference to his contingent intention for Monday, but was informed, that a summons already stood for that day.

[Universities Advowson Bill.] On the order being read for the re-commitment of this bill,

The Earl of *Suffolk* rose, and made several observations expressive of his hostility to the bill; he particularly deprecated the discussion of a measure, which would so injuriously affect the lay patronage of the country, in so thin an attendance of lay peers. He thought, therefore, the consideration of the bill ought to be postponed, until a fuller attendance of the lay peers should be obtained. There was another objection which struck him forcibly with respect to the bill, namely, its intrenching so materially, in his opinion, upon the statute of Mortmain. Though, he thought, in the present state of things and of religion in this country, great acquisitions to the church may not be expected from such a consideration; yet, from persons in a dying state, particularly women, something in that way may be required. Yet still, its operation with respect to that statute was, he thought, a material consideration. He again pressed the idea of its being improper to discuss such a measure with so thin an attendance of lay peers, and with such a body as presented itself on the reverend bench, he despaired of having his objections properly attended to. One or two of the reverend prelates having observed, that not many minutes ago there had been a remarkably full attendance of lay peers, the noble earl observed he was aware of that; their lordships were tired out by listening to a very long conversation: he intimated an intention to move to have the bill postponed.

The *Lord Chancellor* observed, he should deem it incumbent on him to oppose such a motion: the noble earl should recollect, that the bill, both in principle and detail, had been again and again discussed; with respect to the objection of the thin attendance of lay peers, a great number were in attendance not ten minutes before, who, if they thought with the noble lord, with respect to the operation of the bill on the lay patronage, would most probably have remained to express such apprehensions.—Some few remarks, in the way of explanation, were afterwards interchanged between the earl of Suffolk and the noble and learned lord, in which the latter observed there might be some peers who preferred their dinner to their duty; and the former, seeming to think, as the proceeding then stood, it would be preferable not to trouble their lordships further at present, accordingly quitted the house.

Lord *Sidmouth* expressed his thanks to their lordships for having so readily deferred the recommitment of the bill from Monday until that day, in consequence of his inability to attend; however, it was not his intention then to trouble the committee with the discussion of the clause he intended to propose, as he believed many of their lordships, who had so recently retired, withdrew upon an understanding that what he meant to bring forward would not be discussed that night. He therefore should not press it; not that he intended, after what passed, to interrupt the progress of the bill, but to take the opportunity of a future stage, to propose what he intended, possibly on the consideration of the report, the third reading, or, if such may be deemed more convenient, as to a certain extent, it would be more regular to discuss his intended propositions in a committee, and with that view to recommit the bill.

The Bishop of *Oxford* was anxious to shew that he never opposed any procrastination of the bill, as far as such procrastination might be expected to throw fuller light upon the question; but in acceding to the proposition of the noble lord, who had an essential amendment to propose, he trusted that no further impediment would be thrown in the way of the subsequent progress of the bill. The result was, that the report of the bill was ordered to be received to-morrow, and an apparent understanding, that on Monday, the bill should be read a third time.

The *Lord Chancellor* presented a bill, the principal effect of which was, to encourage the cultivation, planting, &c. of church, college, and hospital lands, and to provide regulations with respect to the growth, felling, &c. of timber on the same. All he should propose at present would be, the first reading, and printing of the bill, intending it should lie over for consideration; and, in the mean time, he should consult the opinions of the reverend personages opposite to him, and which he meant to take previous to his proposing any thing farther upon the bill. The bill was forthwith read a first time, and ordered to be printed.—Adjourned.

HOUSE OF COMMONS.

Wednesday, May 8.

[MINUTES.] An account was ordered of the number of bushels of malt made from barley in Scotland from the 5th of July, 1803, to the 5th of July, 1804, with the duty thereon; and from the 5th of July, 1804, to the 5th of April, 1805. Also, of the number of bushels of malt made in Scotland from bere and bigg, with the duty thereon, within the same periods.—A person from the office of the chief secretary in Ireland presented at the bar an account of the expences incurred by state prosecutions in Ireland for the years 1801, 2, 3, and 4, respectively. Ordered to lie on the table, and to be printed.—The Irish First Fruits bill passed through a committee.—Sir W. Dolben presented a petition from the chancellor, masters, and scholars of the university of Oxford, against the prayer of the Catholic petition on the table of the house. Ordered to lie on the table.—Mr. Lee brought up a bill for the more expeditious recovery of small debts in Ireland, which was read a first time.—Mr. F. Fane presented a petition from sir William Rawlins, knight, and Robert Albion Coxe, esq. late sheriffs of London and Middlesex, stating, "that, owing to unfortunate advice, they had been so unhappy as to draw upon them the displeasure of the house by their conduct at the election for Middlesex, in 1802, at which they had presided as returning officers; for which offence they had been committed to Newgate on the 11th of March, and praying leave to express their sincere sorrow for their said offence; and as longer confinement would be prejudicial to their health, and their private concerns, to intreat the indulgent consideration of the house. The petition having been read by the clerk, was ordered to lie on the table; and Mr. Fane gave notice that he should to-morrow move that the sheriffs should be brought up the following day to the bar in order to be discharged.—The Irish Post Road bill was reported; to be read a third time to-morrow.—The Irish Bank Token, and Irish Promissory Note Bills, were read a third time and passed.—Mr. Huskisson brought up a bill for rendering the last duties on wine permanent; another for repealing so much of the 34th of the king as exempts slates under 20s. per ton from duty; and the Spanish Wine Importation bill; which were severally read a first time, and ordered to be read a second time to-morrow.—The Land-Tax Commissioners Name bill passed through a committee.—Mr. Dent gave notice of a motion, for an account of the officers who had been promoted during the administration of lord Spencer and lord St. Vincent, in the department of the admiralty.—The committee on the Thames Ballastage bill was discharged, and the bill referred to a select committee.—A new writ was, on the motion of Mr. Grey, ordered for the county of Galway, in the room of lord Dunlo, now earl of Clancarty, an Irish peer.—A select committee was, on the motion of the chancellor of the exchequer, appointed to consider of the state of the accounts between the East India company and the public; and an order made that nine be a quorum.

[IRISH STAMP DUTIES.] Mr. *Foster*, on moving the order of the day for going into a committee of ways and means, acquainted the house, that pursuant to his declaration, when he had the honour to submit to the house the statement of the Irish finances, he now proposed to bring forward his arrangement for an augmentation of the stamp duties. The various heads on which he proposed an increase were as follows:—A considerable addition on the stamps on admission of attornies and clerks; a rise on the indentures of apprentices, in proportion to the fees paid; a rise on letters of attorney giving power to grant leases; on letters of attorney to receive rents; on all leases for a reserved rent above 20l. or on a fine of 100l., proportioned to the amount of the fine or rent; on probates of wills, the stamps on which would not be so high as in this country; on legacies; on almanacks, the stamp-duty on which he proposed to raise from 6d. to 9d. each; and, lastly, on insurances of property against fire, which in some instances were higher, and in others lower than the duties payable; and, according to his arrangement, would be made exactly equal, in all instances, to the rate of duty in this country.—The house having resolved itself into the committee,

Sir *John Newport* said, he did not mean to make any objection to the resolutions, in this early stage; but he apprehended, that the stamp duty upon the indentures of attorneys' clerks might operate against the freedom of election, as these persons, after serving their clerkships, were at present possessed of the right of voting for representatives in parliament, upon which it was by no means desirable that there should be any additional restraint. He hoped, therefore, that the duty would be so modified, as not to be productive of the injurious effects he apprehended from it.

Mr. *Foster* replied, that he should be very ready to accede to any modifications the hon. bart. may think proper to propose for the purpose of obviating all his apprehension.—The resolutions were then agreed to, together with an additional one, that the foregoing duties be paid in English currency. He further moved, that an allowance of 7l. 10s. per cent. be made to all stationers in Ireland who sold stamps without any additional charge for the paper; which was agreed to.

[Conduct of Sir Home Popham.] Mr. *Kinnaird*, pursuant to his notice, rose to make his motion on the subject of the papers before the house relative to the conduct of sir Home Popham. He had come down to the house prepared to make such a statement as he trusted would induce the house to agree to the motion which he should have the honour to propose, for the appointment of a committee to examine the very large body of papers that had been laid before the house on this subject. Since he had been in the house, however, he had learned that there was no intention to oppose his motion for the appointment of the committee, on the part of the gentlemen opposite. It would be unnecessary for him, therefore, to take up the time of the house by any prefatory observations, and he should therefore content himself by referring to the many important documents contained in the volume before them for the ground of his motion. At present he should confine himself to moving, "That the several papers presented to the house, relating to the repairs of the Romney and Sensible while under the command of sir Home Popham, be referred to a select committee." On the motion being put,

Sir *Home Popham* rose, and declared that he would not make a single observation on the present motion if he did not apprehend that a silent acquiescence might be construed into a tacit acknowledgement that the motion rested on an actual charge existing against him. If the hon. member had made his motion on that ground, or with a view to such an object, he should have felt himself bound to give it every opposition, because there was nothing of the nature of a charge against him in the papers which he could not completely and satisfactorily refute. There were, he would not dispute, several matters contained in these papers, which it was desirable to have referred to a committee, and consequently he was not disposed to object to the motion, provided that in so doing, he should not be considered as giving any acknowledgement of any well founded charge against himself. Many gentlemen, no doubt, had read the whole of the papers, and from being acquainted with their contents were competent to decide whether such a step was not expedient. His object in rising had been to state a general outline of his conduct, by adverting, if he should be permitted, to what had passed on a former night. The hon. member (Mr. Kinnaird) had on that occasion stated, that he had been treated conformably to the usual practice of the navy; that he had been treated in the same manner as three gallant and hon. officers whom he had mentioned by name, sir Richard King, sir Richard Bickerton, and sir Andrew Mitchell. He had been extremely surprised to hear this assertion, and though he knew that each of these officers had attended the different boards, he had been so nervous that he could not bring himself to contradict an assertion so confidently made. But he had yesterday received a letter from sir R. King, confirming his own opinion, and stating that that gallant officer, on his return from India, had had occasion to attend and correspond with the different boards on the subject of his accounts. The navy board were justified, therefore, in the concluding paragraph of their letter, wherein they had stated, that in his case there had been a deviation from the ordinary practice of the board, and that he had been singled out as the victim to such a course. He had felt it necessary to advert to this circumstance, because of the impression that might have been made on the house by the statement of the hon. member, and because at the time of making it, the hon. gentleman had held in his hand, as a document, the scurrilous pamphlet that had been published reflecting on him. That it was usual for officers to attend the different boards on such occasions, he proved by reading an extract from a letter of the navy board to captain Sauce, contained in the papers, in which that officer was called on to attend them on the Friday after the date of their letter. In another letter, they called on him to explain why he had provided the Sensible, at Calcutta, with a greater quantity of stores than were allowed for ships of that class; and in a letter it was stated that such increase had arisen from an alteration of the establishment of that vessel. The fact was, however, that he had never given orders for such alteration, nor had it ever taken place in the establishment of the Sensible. His letter to the navy board would prove that the Sensible had been nearly a wreck in the Red Sea; and he had given directions to contract for two sets of sails for her, provided, however, that if she foundered at sea, or should not arrive, no expence should accrue to government: as to the establishment of the vessel, he had given orders that such a provision of stores should be made as would fit the vessel for any establishment which the lords of the admiralty should think proper. General Baird, on his arrival in the Red Sea, had proposed to him a plan, by the desire of the governor-general, for attacking, in the event of the expulsion of the French from Egypt, and the return of the Indian army, either the Mauritius or Batavia. He was not prepared to say, that the force under his command at the time was adequate to such an expedition, but he was anxious to have it in such a state of equipment as to be ready for any service required. As to the anchor, upon which so much stress had been laid, it now appeared that the whole matter was a mistake of the navy board. He owed it to the curiosity of a brother officer, who hearing so much about this circumstance, had examined the original records at Chatham, and found that the ring and shank of the anchor lost in the Indian sea had been returned to that arsenal, that this mistake was corrected; his own letters to the navy board on the subject having been among the papers lost. When he had sailed for India, he had a strong westerly breeze, and he found the ship so crazy, so rotten, and so leaky, that he was obliged to put into Portland Roads, and if it had not been for the importance of the service on which he was proceeding, he should not have ventured in her. He then proceeded to the Cape, afterwards to the Red Sea and to Calcutta, where she was near sinking, as would appear from the papers. He trusted that the bad and leaky state in which his vessel was there, would be a satisfactory reason to the house for the repairs she had undergone. From the first moment of his hearing that an unfavourable impression was entertained of his conduct by the admiralty, he had pressed earnestly for a hearing. He had passed, under the imputations that followed, the strongest and severest ordeal that any officer ever had. This would be evident from a reference to the strange accounts that had been made up, as would appear from the letter of the navy board by Mr. Tucker. They had been told in that of criminal prosecutions, and if those should not answer, of the matter being carried into the exchequer. But he contended that the law that ought to have been appealed to was martial law; that law which had upheld the navy of England. He ought, if supposed guilty, to have been brought to a court martial, rather than to have been made the subject of a paper war. He should have met the court martial with the same fortitude that he had shewn in meeting the scurrilous pamphlet to which he had before alluded, which, from a letter in his possession, that he was almost ashamed to read, he had reason to think had proceeded from a source which ought not to have stooped to such unworthy expedients. The hon. member here read a letter signed John M'Namara, stating, in answer to a question put by him to that gentleman, that he had heard, from the publisher of the pamphlet, that it had come from lord St. Vincent's board of admiralty. Before he should touch upon the other points, he begged leave to advert to a letter written by the navy board, dated 11th of Feb. 1802, to capt. Mitchell, composed of exhortations and threats, and affording an extraordinary instance of an attempt to influence the evidence of an inferior officer. This letter called on capt. Mitchel seriously to exhort his boatswain to state all he knew, and to inform him, that from the state of his accounts his evidence might have very serious consequences. This was a call upon him to rack his memory.

Mr. *Kinnaird* here called the hon. member to order. He had a right, no doubt, to read the passage from the letter, but he did not conceive it orderly to put the meaning into another form of words; which appeared to him to be rather a comment than a quotation.

Sir *Home Popham* appealed to any learned member in the house, whether he had put a construction on the words which any court of law would not allow. They called upon an inferior officer to rack his memory for any thing during the course of two years that could be brought against the conduct of his captain. He should not deny, and it was what might happen to any officer, that he might have committed some irregularities; but he was sure, he had not been guilty of any criminal irregularities, that could call for, or warrant the criminal industry that had been employed to decry his character. The whole transaction had been submitted to the commissioners of naval enquiry, whose conduct had been so ably argued, and so universally applauded in that house, that he should feel a pride in abiding by the issue of their examination of Mr. Lewis, and in their report thereon to the house. The hon. gent. in his opening speech on this subject, had stated, that he would feel as much pleasure as any hon. gent. if the investigation of the business should be favourable to the person who was the object of it. Nothing could so completely exculpate him from the calumnies that had been propagated against him, as a proof that there was no collusion between him and the naval officer alluded to. On this subject he had written a short and pithy letter to the naval commissioners, calling on them to state, whether, even from inference or misrepresentation, it appeared by the examination of Mr. Lewis, that any collusion existed between himself and that officer. They replied, that they had made their report to the three branches of the legislature, and that they could not answer his question. He had in every instance retrenched expences, but on a scale deserving the attention of an officer. As to the canvass, which did not exceed in value 12l. and the junk not 21l. though the account occupied 3 pages in the report, neither could be supposed worthy of notice. He had deemed it necessary to advert to these topics, and might have expressed himself with some warmth, but he was sure, that would be overlooked, when it was considered how long he had been exposed to the calumnies so industriously propagated against him, and how severely his own and his family's feelings must have been affected. In the whole of the expenditure he had been regulated by a desire to have his ships as highly and as well dressed as they could be. He had given orders in drawing for money that no bills should be drawn at a higher exchange than 2s. 6d. which was lower than the rate of exchange on bills drawn by admiral Blanket, who had also been in the Red Sea. In the rations also there was a saving. The diminution in the extravagant expence of transport tonnage had been very considerable. On his arrival in the Red Sea he had taken upon himself the management of the whole of the company's transport tonnage, and in a short time made a reduction in the expence to the amount of 17,000l. per month, which he had followed up till the saving amounted to 27,000l. He did not advert to these circumstances as instances of any great merit on his part; what he had done was only his bounden duty. He could not, however, but confess that he might have been a little extravagant with respect to his flying sails; but he trusted an additional expence of a few pounds for such an object would not be looked upon as a ground of disapprobation of his conduct. He had the testimony of the marquis Wellesley as to his measures of reform and retrenchment, together with an assurance of every assistance to enable him to continue them. Thus far he had thought it necessary to state the outlines of his whole conduct, and, as he had stated at first, he had no objection to the appointment of a committee, provided his acquiescence should not be construed into an admission of the validity of any charge against him. The report of the committee, he trusted, would be as favourable to his character as he could wish. If he had erred, he had the satisfaction to know, that he had not erred from principle. He did not mean to say, that ignorance was any justification of an officer's conduct, but he was of opinion that that conduct should be considered on a great scale, and with a just attention to every part of it. He was sensible that he was addressing the most liberal and enlightened assembly in the world, and except the moment that should restore him to the service in which he gloried, the moment of referring his whole conduct to their decision was the happiest of his life. If he had gone too much at length into the particulars, he trusted to the indulgence of the house for having taken up so much of their time and attention.

Colonel *Hutchinson* said, that as he had paid considerable attention to these papers, it became him to offer a few words. The impression which a careful perusal of these papers had made on his mind was, that the hon. officer had discharged his duty, not only with great fidelity, but with great ability. He lamented that he was not able to convey in words the strong opinion which he had of his merits. He thought that the charges against him were of a very serious nature, first, that he had defrauded the public, and then (he was almost ashamed to state it) made use of a false document to screen himself. This appeared to him certain, that a very partial investigation had been made, and very arbitrary proceedings adopted against the hon. baronet, and then that he had been refused permission to attend, and denied the opportunity to prove his innocence. Whether this was the ordinary practice, he had yet to learn. But if it was not, the persons who had begun it deserved the severest censure. He would vote for this motion, not because he thought that there was a case made out against the hon. officer; on the contrary, he not only was of opinion that he was innocent, but that his conduct was meritorious, but because he thought that many other points in these papers required investigation.

The *Chancellor of the Exchequer* observed, that, as it was likely the house would come to an unanimous vote for the appointment of the committee, he should just remark, that he did so under the impression of similar sentiments with those so forcibly delivered by the hon. member who spoke last. There was nothing contained in those papers from which any imputation of guilt could be drawn against the gallant officer; but, on the contrary, there was much that tended to shew great and exemplary merit. His merits, he knew, were not confined to that particular service, but had been displayed on other occasions. The papers were so numerous, complicated, and detailed, that they could not be advantageously discussed but in a committee, when it would be proper also to consider other collateral matters. There were various points respecting the admiralty and navy boards, and the short examination of one single witness to which their attention might be directed. There was likewise the circumstance of the publication of the report from one board to another. The loss of the vouchers was a matter fit for enquiry, as well as the singular manner in which an English subject, an officer of the navy, had been impressed. He should forbear entering into details; but all these matters deserved examination, and those points should be left open to the committee, for their report to the house. As the motion was worded, it did not embrace enough for this purpose, but only respected the repairs of the Romney and Sensible. He should suppose there would be no objection to an amendment to this effect:—"That the committee should examine the matters of the repairs of the Romney and Sensible, and the proceedings of the admiralty and navy boards, and commission of naval enquiry thereon, and also enquire into the circumstances of the unauthorised publication of Feb. 20, 1804; the loss of the vouchers; and the circumstances of impressing Mr. David Evan Bartholomew; and report to the house, with such observations as arise to them from the consideration of the whole."

Mr. *Fox* objected to the word unauthorised, and the chancellor of the exchequer agreed to the omission of it.

Mr. *Jeffery* (of Poole) said, that the hon. officer, in what he had that night so clearly and eloquently stated, had convinced his mind that he had discharged the important and arduous duty entrusted to him, in such a manner as reflected the highest honour on his zeal, his talents, and his perseverance, and he was happy in the opportunity of paying this small tribute to his merits. He thought, from every thing that he had observed, that the hon. officer was a highly oppressed man. The charges against him were frivolous, vexatious, and litigious in the highest degree. The whole rested upon about 12 l. worth of canvass and some oakum, while nothing was said of the great saving he had made. In his opinion, that hon. officer, instead of incurring the censure, ought rather to receive a vote of thanks from the house.

Mr. *David Scott* meant at first to have objected to the committee, as no case had been made out; but on the grounds on which the motion now rested, he would vote for it. When he was chairman of the East India company, he had corresponded with sir Home Popham, whose conduct had made the most favourable impression on his mind; that impression had been increased by the perusal of the papers on the table. Serious observations had been made on the expenditure of oakum and other trifles, while the saving of 27,000l. per month in the reduction of tonnage was overlooked.

Admiral *Markham* declared, that the pamphlet mentioned by the gallant baronet certainly did not proceed from what had been termed lord St. Vincent's board of admiralty. Whether his hon. friend wished to assert any share in the manufacture of it, he did not know, but for himself, he utterly disclaimed it: the first time he had ever heard of it was last November at Portsmouth. The scurrility of this pamphlet had been insisted on, but surely it was not more scurrilous than the pamphlet antecedently published by the hon. baronet himself, in which he had indulged in observations calculated to defame and disgrace one of the highest public boards in the country. The hon. admiral read several passages from the law opinion annexed to sir Home Popham's narrative of the proceedings between him and the navy and admiralty boards, in support of his statement, and contended, that if a pamphlet, accusing an individual of improper conduct, was unjustifiable, one of the same tendency, by an officer, against a public board, was still more so. The hon. admiral called on the right hon. gent. (the chancellor of the exchequer) to consider, whether or not, by the measures he was now pursuing, he might not destroy that service which it was his duty to uphold. The liberty of the subject, to which he had alluded was a very ticklish point, and he cautioned him how he allowed it to be agitated. He warned him, lest by persevering in the system which had been adopted, the whole navy should go to ruin. His noble friend had persevered against a host of enemies in endeavouring to improve the state of the navy. Whether they considered the civil or the military services of that noble lord, the house would ultimately find him entitled to their warmest thanks; and he could not help believing, that the right hon. gent. wished in his heart that the navy was in the situation in which it was when his noble friend retired from office.

Sir *Home Popham* said, he should be very glad to leave the comparative scurrility of the two pamphlets to the determination of the committee.

Mr. W. *Dickenson* jun. reprobated the keeping of the gallant officer in a state of suspence for such a length of time. Why was it that sir home Popham had not been tried by a court martial? Or why had not a civil or criminal prosecution been instituted against him?—Because, in that case, facts must have been distinctly proved; because a jury must have been convinced of his guilt before they returned a verdict against him. Instead of this, the conduct of the hon. baronet had been submitted to the consideration of the commissioners of naval enquiry, who very fairly declared that it was not a fit subject for their investigation, but for that of a court martial alone. But why had it been referred to the commissioners of naval enquiry? Because that was a court dilatory or summary, as they thought proper. Because that was a court in which a man, contrary to all the principles of British jurisprudence, was expected to criminate himself, and if he declined doing so, he was stigmatized with the name of the hero of the fifth clause!

Admiral *Markham* said it was not a fit business to go to a court martial. There was such a complicature of charges, and such a mixture of different matters, that a court martial would not have been equal to its full and adequate investigation. This was at least his own opinion, and on that he had acted.

Mr. *Sheridan* begged to trouble the house with a very few words. The hon. gent. who spoke last but one had said he would not say any thing against the naval commissioners, and had immediately afterwards styled them a court which might acquit or delay, according to their caprices, and that they might wish for persons to criminate themselves. This was a kind of language he could not bear, and thought no member ought to use, when the commission had been renewed, and the same powers invested in their hands by the house, as they had before. If the hon. gent. thought they were a court acting according to caprice, or wishing persons to criminate themselves, he should in a manly way have come forward, and stated such facts as strong objections to the renewal of the commission, and not at this time deal out insinuations against hon. gentlemen who had acted with so much zeal, fidelity, diligence, and inflexible integrity, in the great trust reposed in them, as to acquire most deservedly the universal approbation and applause of the whole country.

Mr. W. *Dickenson* jun. said he did not mean to cast any reflections on the commissioners of naval enquiry; on the contrary, he had said, that they recommended the trial by court martial, of which he approved.

Mr. *Kinnaird*, however induced he might be, would not give way to the temptation of making that statement on the subject which he certainly was completely prepared to make. In reply to the accusation of delay that had been brought forward against him, he said, that not being aware in the first instance of the extent of the papers that it would be necessary to call for, it was impossible for him to fix a time for referring them to a committee. He asked the hon. gent. in what part of the papers was to be found what he had in vain looked for, the wish expressed by the commissioners of naval enquiry, to decline the investigation of the gallant baronet's conduct, and to refer it to a court martial. The observations made by the right hon. gent. opposite, on the impressing of Mr. Bartholomew, were extremely unfair, as they implicated the conduct of a noble lord, which, he was convinced, when it came to be scrutinized, would be found to be in the highest degree praiseworthy and honourable.

Mr. W. *Dickenson* jun. had not stated that the wish of the commissioners of naval enquiry to decline the investigation of sir H. Popham's conduct, and to refer it to a court martial, existed in the papers before the house. It had been mentioned by an hon. baronet at the head of that commission, and confirmed by a conversation he had with him on the subject that morning. The motion as amended by the chancellor of the exchequer was then put and carried.

The *Chancellor of the Exchequer*, as he saw the hon. gent. was prepared with a list of names, took the opportunity of intimating, before he heard them read, that he should propose the committee to be chosen by ballot.

Mr. *Kinnaird* remonstrated against this proceeding. The right hon. gent. had himself named a committee in the early part of the evening respecting the India business.

The *Chancellor of the Exchequer* said, that it did not follow such was to be the invariable mode of appointment. There was a considerable difference between a committee, such as that the hon. gent. had alluded to, and one to which matter that went to criminate an individual was to be referred.

Mr. *Kinnaird* declined dividing the house on the subject.

The *Speaker* observed, that it would be necessary, for the sake of form, to propose the first name on Mr. Kinnaird's list, which happening to be that of Mr. Canning, produced a considerable deal of laughter.

The *Chancellor of the Exchequer* remarked that he certainly could have no objection to his right hon. friend, although for the sake of the general principle, he should be obliged to negative his appointment.

Lord *Temple* could see no other rule for the conduct of his right hon. relation opposite, except that when he himself chose to nominate, he thought it right; but if any person on the other side proposed it, he found a ballot the only mode.—The motion was negatived. And the chancellor of the exchequer moved, that the number of the committee be twenty-one, and that they be chosen by ballot; both which motions were agreed to.—Adjourned.

HOUSE OF LORDS.

Thursday, May 9.

The house sat in a committee of privileges from five o'clock till eight, relative to the message from the house of commons respecting lord viscount Melville, during which time no strangers were admitted.—Prayers were then read, and after forwarding a few private bills the house adjourned.

HOUSE OF COMMONS.

Thursday, May 9.

[MINUTES.] On the motion of Mr. Leycester, it was ordered that a message be sent to the lords, requesting their lordships to permit lord Harrowby to attend and give evidence before the committee of naval enquiry.—The Irish land partition bill passed through a committee, and was ordered to be reported to-morrow.—The ballot for a committee on the charges against sir H. Popham, was put off till to-morrow, on the suggestion of Mr. Kinnaird, as several members did not know that it was to have come on this day.—Mr. Shaw presented a petition from the corporation of the city of Dublin, against the Roman catholics' claims. Ordered to be laid on the table.—On the motion of Mr. Fane, it was ordered that the late sheriffs of the county of Middlesex, be to-morrow brought to the bar, in order to their being discharged.—The Chancellor of the Exchequer moved, that the order for the house to-morrow going into a committee on the bill for the continuance of the naval commissioners' powers, be discharged, and that a new order be made for Tuesday next. Ordered.—On the motion of the same right hon. gent. it was ordered, that the committee on the bill for authorizing enquiry into other departments, be put off to the above-mentioned day also.—The house resolved itself into a committee on the Irish election regulation bill, in which several verbal amendments were made. Upon the house being resumed, the chairman reported progress, and obtained leave to sit again on Wednesday next.—The report of the committee on the Irish stamp duties act was brought up. The resolutions were read and agreed to, and a bill ordered conformably to the tenour of the resolutions.—Mr. Foster presented copies of the letters patent of the lords commissioners of his majesty's treasury in Ireland. Ordered to be laid on the table.—The wine duty bill, and the slate duty bill were read a second time, and ordered to be referred to a committee to-morrow.—On the order of the day for the second reading of the Irish small debt bill, Mr. May objected to the bill, on the ground of its throwing too large a quantity of business on private gentlemen, acting as magistrates, who had already as much as they knew what to do with; and as these small debts were recoverable at the quarter sessions. Sir J. Newport supported the bill as highly necessary. He said that the recovery of small debts was very precarious and uncertain at present, as it was attended with considerable expence. Persons might now recover to the amount of 5l. before the magistrates at the quarter sessions; but many of them in the different counties lived 15 or 20 miles from the session house, and had to carry their witnesses so far, and to pay their expences, which rendered it a great hardship on all, and actually precluded many from pursuing their just claims. He thought, therefore, the bill would prove very advantageous to the country, and as such would vote for the second reading. Mr. Lee said, magistrates were allowed to try causes of 5l. for wages, and why not for common occurrences?—The bill was read a second time, and ordered to be committed to-morrow.

[PETITION FROM BERKSHIRE RESPECTING THE TENTH NAVAL REPORT.] A petition of the gentry, clergy, and freeholders, of the county of Berks, assembled at a public meeting for the purpose of taking into consideration the propriety of adopting resolutions in consequence of the decision of the house on the tenth report of the commissioners of naval enquiry, was presented to the house, by Mr. Charles Dundas, and read; setting forth, "that the petitioners have read with indignation the intimation in the votes of the house, of the abuses discovered in the said report; and they share the national exultation at the resolutions of the house of the 8th and 10th of April last; and the petitioners observe with gratitude that the house intend to prosecute further enquiry to the detection of all abuses which may exist in any other department of the state, and that they have ordered bills to be prepared for that purpose; and the petitioners entertain a confident hope, that in framing the above-named bills, the house will carefully provide that the power constituted will be equal to the professed object, both as to the authority to be conferred, and the integrity of those by whom it is to be executed; and that the house will attend particularly to obviate a repetition of the obstacles raised by persons in office to investigation; for the petitioners submit, that if any thing can be worse than a deep-rooted system of abuse and peculation in the management of the public money, it would be the institution of a system of revision, in its nature a burlesque upon investigation, and in its result a mockery of justice; and that the petitioners conceive, that the most effectual method to check abuses, will be to punish already detected delinquency; and they therefore hope the house will be deferred by no considerations from pursuing with effect what they have begun with so much honour; and that they will not relax in their efforts till they have brought all persons concerned in the misapplication of public monies to condign punishment, and given to the world a signal demonstration, that in the representatives of the people will be found, not the abettors of iniquity, but the faithful guardians of the nation, and the zealous vindicators of the law."

HOUSE OF LORDS.

Friday, May 10.

[MINUTES.] Mr. *Leycester*, chairman of the select committee of the house of commons on the tenth naval report, attended by several members, presented at the bar a message from that house, requesting that lord Harrowby might be permitted to attend the said committee. The lord chancellor, having previously put the question, desired the messengers to be called in, and informed them, that their lordships would send an answer to the house of commons, by messengers of their own.—Mr. Alexander brought up from the commons the Irish Loan bill, the Irish Bank, and the Irish Post Roads bills, which were severally read a first time.

[ROMAN CATHOLIC PETITION.] Lord *Grenville* moved the order of the day for taking into consideration the petition of the Roman Catholics of Ireland. The petition was then read by the clerk, and will be found in p. 97 of the present volume. After the petition had been read,

Lord *Grenville* rose, and addressed the house as follows:—My lords, I was anxious that your lordships should hear this petition read through previous to my offering any observations on the subject of it, both on account of the many weighty arguments which it contains in favour of that which the petitioners humbly pray your lordships for, as well as for the strain of loyalty which pervades it, and the respectful, moderate, and temperate language in which those arguments and that prayer are couched. When the petition was first presented, I expressed an earnest hope, and such seemed to be the wish of all your lordships, that whatever opinions individual peers may entertain upon the subject, that the matter of the petition should be temperately, dispassionately, and impartially discussed. I was then happy to perceive such a temper and such an understanding prevail; and I now beg leave again to express my most anxious wish, that this night the important subject and considerations to which I shall have the honour to call your lordships' most serious attention, may be temperately, dispassionately, and impartially discussed. Such, my lords, is my anxious wish, and such, I am persuaded, is the earnest wish and prayer of the petitioners themselves. They have felt the operation of party violence and party heat. They know, that from party violence and party heat they have much to fear, and certainly nothing to hope; and if, on this occasion, they look with confidence to better hopes and brighter prospects, it is because they are confident they address a body of men in whose minds party heat and party violence will not be suffered to have the smallest influence.—With respect to myself, allow me, my lords, to assure you, that I know myself to be utterly incapable of the wickedness (for wickedness it would be) of speaking with party views or feelings, while discussing the interests, nay, the rights of millions of British subjects, and on a topic on which the peace and unanimity of the empire may eventually depend. I might venture to appeal to your lordships, and to every man who hears me, whether, if this were a question likely to conduce to views of such a nature, or if the individual who is addressing you could suffer party views to influence his conduct, all those motives which usually operate on men's minds, would not lead to a line of conduct precisely different. The person who undertakes to bring this great question before you, is well aware that he has to encounter numerous and powerful enemies; that he must subject himself to much prejudice, much clamour, and much misrepresentation; and that he must incur the imputation of indifference, perhaps of hostility, to the civil and religious establishments of the country; establishments, the security and perpetuation of which are the dearest objects of his heart. All these difficulties he must encounter; and in return what has he to expect? The satisfaction of having discharged a great public duty, namely, that of bringing before your lordships a great and national question, and the consciousness that, whatever may happen hereafter, he will not have to reproach himself with any of the evils which may result from the rejection of the petition, if rejection should be its fate.—This, my lords, is not all that I have to remark upon this part of the subject. I consider that it will be a great evil and misfortune to the empire if the prayer of this petition is not granted; but that misfortune I hold as bearing no comparison in extent with the mischiefs which inevitably must have ensued, if no opportunity had been allowed for a fair and full discussion of this momentous question. It will, I am sure, be respectfully entertained and deliberately discussed. The question will be placed on such grounds, that, whatever the decision of this night may be, no man will go away without the fullest conviction that the day cannot be far distant when the great and important objects of the petition will be attained. But, my lords, if instead of laying it before parliament, those who brought it forward had gone back and told those from whom they had received it, that there could not be found one individual ready and willing to present their petition; that not only the voice of parliament was against them, but that the doors of parliament were shut to their complaints—if such had unhappily been the case, I ask every considerate and temperate man, what must have been the impression on the minds of that body on whose behalf I am addressing you—what other impression could there possibly have been, but that of absolute despair? What would it have been short of shewing the great majority of the people of Ireland, that all the expectations which were held out to them by the union were to be completely frustrated? The effect which has been produced on their minds by receiving their petition is, that they are convinced they will have an impartial parliament, worked upon by no local prejudices, to consider their wishes with all the attention due to so numerous and respectable a class of our fellow-subjects. I have said thus much in order to vindicate myself, and explain the reasons why I am clearly of opinion, that this petition, if rejected, would have been attended with the most fatal consequences; and also to vindicate the petitioners themselves, for the solicitude they have expressed, that their petition may be respectfully submitted to your lordships' consideration.—And now, my lords, how shall I begin to lay before you this grave, extensive, and most important question? My lords, I would begin with that which is the system, the fact, and foundation of the whole proceeding, but which, simply and plainly, appears to me hardly to have made the least impression on the minds of those who are averse to the petition; I mean the fact, that you have, in the united kingdom of Great Britain and Ireland, a population consisting of 3 million according to the lowest, and of 5 million according to the highest computation, of fellow subjects, who have been brought up and educated in the catholic religion, who profess that religion, who are attached to it, and whom therefore you must consider, for every purpose of government, as persons to be treated as Roman catholics. When this question is brought before you, you are not to consider it as we in this country are apt to look at the Roman catholics, as a body of men, however respectable, small in number, and forming only an exception to the general mass of population; but you are to consider, that in that part of the united kingdom called Ireland, three-fourths of the population are of the description of Roman catholics; that it is impossible for you, in taking any one single step towards providing for the exigencies of government, the happiness of the people, or the various matters committed to the legislature, ever to lose sight of the fact that three-fourths of the people of Ireland are Roman catholics, and must be provided for as Roman catholics. If I am asked, whether, supposing a man could regulate the thing by a wish, it would be desirable that the unity which we have established in government should prevail in matters of faith? I have no hesitation in saying, that it would be a happy thing indeed if we were all united in our religious as well as in our political and constitutional opinions. But we are to consider the question not as we wish it, but as it is, as it has been since the revolution, and as it is likely to continue beyond any period of legislation we can contemplate. This being the case, I hope there is no man who, merely because he wishes there was not this body, flatters himself that he may shut his eyes to the population of three-fourths of the country, and content himself with saying, "I will provide for that which belongs to the protestants, but I will take no cognizance of the other larger proportion of the population." I hope no man entertains such an opinion. If he does, I wish him to cast his eyes back to any period of the history of this country, and to point out what moment there was in which the distinction of religious faith, as it regarded the concerns of the large population of catholics, did not form, I will not say a leading circumstance, but the leading circumstance in the situation of the country; and

I would ask him, whether he thinks it would be possible to carry on the legislation of the country, if parliament should shut its eyes to that which constitutes the leading circumstance and feature of the country. That parliament has always acted upon this distinction of religious faith, is a fact which I will not detail by long historical narration, because I take it for granted that your lordships have a full knowledge of the subject. It will be abundantly sufficient if I refer your lordships to what, since the revolution down to the present reign, and from the present reign to the present moment, has been the system. At the period of the revolution, this great mass of the population of Ireland was unhappily connected with political opinions adverse to the principles of the revolution. I believe I may state, without any deviation from the truth of history, that from the concurrence of circumstances familiar to all your lordships, the catholic opinions were at that time intimately blended with political opinions adverse to the government of the protestant interest. A great difficulty arose out of this fact to those who wished to maintain the relations between Great Britain and Ireland. It was not to punish religious opinions, not to put down religious opinions, not even because the catholic religion, as such, implied particular civil opinions in church and state, but it was because those opinions were connected with opinions favourable to the exiled family, that it was found expedient to exclude the catholics from certain objects of participation in the constitution and government of the country. I conceive it is not necessary for me to arraign the policy of the measure. Whether it was expedient, depended on local circumstances, of which it would be difficult to judge at this distance of time; but this at least we know, that the situation of that day, is not the situation of this day. In justice to the memory of one of the greatest princes that ever existed on the face of the globe, and one of the warmest friends of liberty and toleration, let me say, that it is not to the memory of king William that we must attribute the measures that were taken afterwards. We may confidently say, they were measures forming no part of any system that could have obtained his approbation or concurrence. In a subsequent reign the system was this: an opinion was maintained that the catholics of Ireland, merely because they were catholics, must continue the irreconcileable enemies of the protestant establishment of Ireland, and the protestant government of England. That no kindness, no protection, no lapse of time, no community of interest, no intercourse, nothing could reconcile the eternal hostility of the catholics to the government of this country. Upon that assumption, incapable of proof by argument, the next principle adopted was this, that it was therefore necessary, not only to exclude Roman catholics from all participation in the government, and from all share in the constitution, but that they were not to be allowed even any influence, because influence led to power; not to be allowed to acquire any property, because property led to influence; not to enjoy the free toleration of religion, or the ordinary rights of marriage; not to be permitted to have the least intercourse with one set of the king's subjects. Means were devised by penalties, proscriptions, and disabilities, to drive the whole catholic population from the island, or to reduce them to the state of a poor, ignorant, illiterate peasantry. Such was the principle; and, as it has been said by a great man, never was a system more admirably calculated to produce the object it had in view. The effect of it was, that those who were deprived of the benefit of education were kept in entire ignorance; those who were excluded from acquiring property were left to languish in extreme poverty; those who were persecuted, oppressed, and excluded from intercourse with their fellow-subjects, became altogether alienated from society; and, in proportion, their minds were exasperated against their oppressors. If I could entertain the smallest question as to the impression on your lordships' minds by this statement; if I had the least doubt of the detestation with which every individual in the country considers such a system, I should perhaps have avoided stating the fact. I state it for this reason, because it enables me to exhibit the pleasing contrast of the measures adopted during the period of his present majesty's reign. I speak now of the period in which his majesty found 3 or 4 millions of his subjects in the state I have described. I desire your lordships to consider what has been the conduct of his majesty's government, what has been the object, and what has been the consequence it has produced. I would desire you to consider the striking contrast afforded by the better system of policy during the present day; a system of gradual amelioration, by measures which have been the more effectual because they have been gradual; measures which, by their mildness, have reversed the whole of the former system. It is perhaps hardly to be credited, that it was necessary, in the reign of the sovereign under whom we live, to pass an act to enable the Roman catholics to intermarry with the rest of his majesty's subjects. You have given them a full toleration, and the benefits of education; you have taken away those odious measures which produced the disunion of families; you have restored the industry of the country, by granting to the people a participation in the soil, and by allowing them to share in its benefits; you have extended to them all the advantages they are entitled to, except one, the most important of any you have given them, the exercise of the elective franchise and a share in the executive administration. You have done this, and the result has taken place which the measures were calculated to produce. By degrees the wealth of Ireland has extended itself. Few countries, if we except the calamitous period of the rebellion, ever in so short a time made such improvement in agriculture, commerce, wealth, and general civilization. When you gave this encouragement to agriculture in Ireland, and adopted measures to increase the prosperity of the country, you were aware that the augmentation of wealth would first shew itself in the lower and middling classes of society. As the country advanced in wealth the people derived a greater share of influence, and you found it necessary to give them some share in the constitution. By the magnanimity of Great Britain, you acknowledged the right of an independent government. This state of things brought you to the year 1792, when, by a measure which every one will reflect on with pride and satisfaction, you at last extended to the catholics of Ireland a participation of all the privileges of British subjects, with the exception of those referred to in the petition. You gave them the privilege of voting at elections for members of parliament; you allowed them to be appointed to all offices, except the small number mentioned in the act of the Irish parliament. Here then was the fact of a system gradually pursued up to this period; and here, for a time, a stand was made, not, I hope, on the opinion of those who made it, that it was right to take a fixed stand, and say, we will admit you to these privileges, but from all beyond them we must exclude you. The reason, I apprehend, was entirely different; it was because the system of amelioration had not been sudden but gradual; because experience had shewn you, that denying a privilege at one period did not infer the expediency of denying it at another; because, when adopting measures of such extent, and operating so much on the passions of men, it was necessary to know what you could give without interruption to that harmony, which it was your wish to maintain, in order that it might appear that what was given, large as it was, was granted with a liberal hand, and that the manner of the gift might tend to conciliate the minds of those to whom it was given. Independently of these considerations, there are others of great, I may say, almost decisive weight. I have no difficulty in stating, that they are considerations which make it doubtful whether these privileges could have been given in the Irish parliament, without the risk of something like a convulsion. In the first place, the parliament of Ireland, particularly the popular part, was constituted, not as ours is, rising up by a concurrence of accidental causes, and producing a just expression of the sense of the country, but it was constituted with the precise object of making the legislature a protestant one, to the exclusion of three-fourths of the population. You know, that when a large addition was made to the representation in the house of commons in Ireland, it was for the purpose, and with a view of rendering it as exclusively protestant as possible. It was a question much agitated, whether, if the right of sitting in the parliament of Ireland was conceded to the catholics, a grant of that nature could be made without leading to consequences which no man would venture to foresee. Another difficulty arose of great moment, which was, that supposing the objections were not so well founded as they were judged to be, or, being well founded, measures had been proposed to remove them without danger or mischief, and that the parliament of Ireland could have been open to the catholic population of the country, it might have probably occurred to enquire, whether such a measure would have been consistent with the interests of Ireland, with reference to this country. I ask not your lordships whether these difficulties ought to have existed; no man can deny that they did present themselves, and were considered of great weight. It happily is the case at the moment I am addressing you, that by a measure, which, I trust, has rendered the most lasting benefits to the British empire, these difficulties are removed. By the operation of that great measure, the union of the two kingdoms, the objection that arose to the forms of the Irish parliament have no bearing on the representation of the united parliament. The other objection is also removed; because, whatever influence and weight you would have given to the proportion of the catholics over the parliament of Ireland, exactly the same must be given to the proportion of the protestants of the parliament of the united kingdom; therefore you come to the question unfettered by the difficulties which prevented the adoption of the measure before, and, in the opinion of many, would have made it impossible to have carried it into effect in the Irish parliament: however, not only did the union remove these great and important difficulties, but it did two things more, which I trust you will not omit to bear in mind, on considering the motion with which I shall trouble your lordships. It did, in the first place, excite great hopes in the minds of the catholics of Ireland, that, by the operation of the union, they would be relieved from their disabilities. No authorized assurance was ever given; no promise was ever made to the catholics, that such a measure would be the consequence of the union; but, it is no less true, that by the arguments of those who supported the union, by the course of reasoning, in doors and out of doors, hopes were given, that the subject of catholic emancipation would be more favourably considered here than it was ever likely to be in the parliament of Ireland. Those who wished well to the union could not so far betray their trust as not to state, that one of the recommendations of the measure was, that it did seem to afford the only practicable mode of preventing the renewal of the disputes which had produced such calamities in Ireland. It was not, therefore, either from persons authorized, or not authorized to make assurances as to the effect of the union, that the hopes of the catholics were raised; it was from the nature of the subject itself that they entertained, and were justified in entertaining, great and sanguine expectations that the measure would lead to the consequences so anxiously desired. This assurance was given to the catholics upon the authority of every man who spoke in parliament, whether in or out of office, that if the united parliament was assembled, they would undoubtedly be permitted to present their petition at the bar: that their petition would not only be received, but it would be deliberately considered, and that whatever difficulties had before stood in the way of the accomplishment of their object, it was impossible that the united parliament could refuse to give their utmost attention to the subject, to enter minutely into it, to examine it fully, not by one sweeping vote, but to pursue it in detail, and to investigate all the circumstances respecting the interests, state, and condition of that important part of the population of Ireland. It is this pledge which I now call upon you to renew. It is not now that I am going to call on you to adopt any measure. I shall state what is the measure you ought to take. All I have to propose is, that having now, for the first time since the union, this great body of men coming before you with their petition, you will consider it with temper, and with a sincere desire to do all that lies in your power to compose the animosities of that part of the kingdom, and to render all the subjects of the kingdom happy in the enjoyment of equal privileges, equal rights, and an equal participation of that constitution so justly entitled to universal admiration and respect. The question, therefore, which you will consider, and I shall conclude by moving, is, that the house will resolve itself into a committee, to consider the petition which has been read: and I hope it will not be forgotten, that the motion cannot be negatived, except by those who are ready to say, not only that they are not prepared to go to the full extent, but that they will not enter into the consideration of the question. For my own part, I have no hesitation in saying, that in my opinion, it is highly expedient the whole of what is asked in this petition should be conceded. What the union has imposed upon you is, the duty of providing in the most effectual manner for the real essential union of all the inhabitants of this kingdom, not in government, and policy, and law only, but in interests, in affections, in devotion to the maintenance of the constitution, and in that resolution with which we ought to inspire each other, a resolution to defend the country against all its enemies. The question is, in my view of the subject, a question of expediency to a certain degree; that is, I do unquestionably hold it to be for the benefit and safety of the whole country, that it should be adopted in cases where the safety of the whole empire requires it: it is incidental to the rights of all legislatures to impose restrictions and disabilities; I have no doubt that such is the fundamental principle of all governments. It was so when the question was agitated in the reign of king William. The question that ought to have been considered in the reign of queen Anne, is the same that now engages your lordships' attention. It is this: Is there any expediency in continuing these restraints by which 4,000,000 of British subjects are deprived of the benefits of the constitution? Now, in this part of the subject I should state what I conceive to be a principle of eternal right and eternal justice, so evident that it is for those who maintain the propriety and expediency of the restrictions, to shew that the necessity exists. The first principle of the British constitution is, that we shall enjoy equal laws; that there shall be no man, however low his situation, who shall not, in point of political liberty, feel himself on a footing with the highest in the country. I repeat, that those who contend for the continuance of any restraint, are bound to shew, not only that it was expedient at the time, but that the expediency continues to exist. This principle I had occasion to state upon a much less important subject, and there was a disposition manifested on the part of some of your lordships to contest it, but it was with infinite pleasure I perceived, when persons of the highest authority rose, that it was impossible for them to state an argument worthy of the slightest attention by those who had the common use of their understanding, in favour of the continuance of restraints on any other ground than that of expediency. If there are persons in this house who are disposed to contend against placing the Roman catholics upon the footing of other subjects, I hope they will tell your lordships what the necessity is for debarring them of their just rights. I should feel warranted in making the motion I mean to conclude with, without any other observation than this; that to my understanding no such necessity or expediency does or can exist; none such has been stated. But I am willing to take the proof upon myself, not that I think it ought to be imposed upon me, but because I feel such complete conviction, not only that the cause is right, but that it is so manifestly and palpably so, that it is almost unnecessary for me to anticipate the objections which I expect may be urged against it. The principle I take to be, that the British constitution is founded on the basis of equal laws. I admit that there should be some distinctions with regard to privileges enjoyed by different parts of his majesty's subjects; but that such distinctions are to impose restraints on four or five millions of people, and to have the effect of debarring them of their rights, is what I cannot assent to for a moment, without the existence of some strong, manifest, and palpable expediency. The catholics come before you, restricted from the enjoyments of seats in parliament; from the highest offices in the executive government; from the superior offices in the civil, military, and naval professions; from the office of sheriff, and by qualified restraint from offices in corporations. The question is, what is the expediency, the necessity, which should induce you to continue these restraints? The first ground I have heard stated is one which I should be unwilling to attribute to any man; which I should hope could not be entertained by any member, but which I mention, in order to exhaust all the various objections I have heard or can collect. It has been stated, and I believe written somewhere, that the nature of the catholic religion is such, that no catholic subject can, because he is a catholic, be a loyal subject. If that be true, it will follow, that those persons who profess a religion which makes them traitors are not fit to be admitted into the legislature, or into the highest civil and military offices of the country. I might go further, and ask, whether they were fit to have been admitted to civil offices, with the exception of not more than twenty? Were they fit to have been admitted to the army, to the whole administration of the revenue, with the exception of four or five offices, professing a religion which disqualifies them from their allegiance. Are they fit to come to the table of a court of justice, and swear allegiance to the sovereign? No man who conceives the catholics really disloyal, can agree that they ought to be permitted to come to a country justice to swear to their loyalty. But I have been told, and I know that endeavours are made to circulate the opinion, that it is impossible for any man, who professes the catholic religion, to be a true and loyal subject. Upon this point, one is disposed to look a little beyond mere assertion. I wish to look to the proof. I find it in something that somebody has brushed up from some old musty record, or some old decree of the church. I find arguments drawn against the declarations of individuals now existing, against their whole course of life, not from any thing they profess, not from any thing they believe they profess, but because persons chuse to say, "If you are a Roman catholic, it is in vain for you to call yourself loyal; I know your religion better than you do yourself; you think you do not hold it your duty not to keep peace with heretics, but I know you do; you think too, that you do not hold the doctrine of the dispensing power of the Pope; but it is in vain you tell me so, I know such is your opinion." I should hope, my lords, that for any purpose of legislation, you would think it incumbent on you to take the religion of these persons from their own construction, and not from the construction of their enemies—that you would take their own conduct as the proof of their loyalty, and not condemn them by the tenets, or doctrines, or conduct of some individuals at some remote period. I know not where the duty of persecution is to end. If you are not content to judge men by their conduct, you at least ought not to judge them for acts of which they are not guilty. If it is true that no catholic can be a loyal subject because of the council of Lateran or Constance, or some decretal order of the church—if it be true, that every man professing himself a catholic wishes to dethrone the monarch who governs him, in that case I desire you to consider what that goes to. It goes to this, that you not only cannot make the concession demanded of you now, but that you cannot at any time hereafter. Nay more, you must recal every concession you have made, unless you are ready to begin a crusade, to drive out of the country every one of those persons you think its irreconcileable enemies. Against such a principle, one knows not how to argue. If it was possible to bring forward any thing like argument, I should think myself pretty well warranted in opposing it with what was actual practice. Is it true, that, in any country professing the Roman Catholic Religion, even at Rome, a man is bound by his religion to prosecute heretics? If it was true that catholics were actuated by any such sentiments, sure I am, that none of your lordships could have visited the capital of arts on the continent, or have set foot on the southern countries of Europe.—The next point on which I shall address a few observations is, that the mass of the people of Ireland are disloyal. If that could be proved to the extent the fact existed in king William's reign, I should allow that the same reasons for imposing the restraints would justify their continuance. How shall I argue that the mass of the people of Ireland are not disloyal? One way I can argue, is by desiring you to turn to the state of Ireland—to the acts of the legislature, consisting of protestants. See what they say of the catholics, of whom it is asserted that they are at this moment irreconcileably disloyal I could desire the clerk to read, not one or two, but repeated declarations by the parliament of Ireland, that the concessions of government were granted to the uniform good conduct and loyalty of the people of Ireland. I know I may be told that this was true up to the last rebellion in Ireland, and that the mass of the people continue tainted with the principles of that rebellion. That is only an assertion. It can continue only as such; for there is no demonstration that the rebellion in Ireland was more or less of a catholic rebellion. There never was any thing more unjust, or unjustifiable, than to attribute the rebellion in Ireland to the catholic body. In the first place, down to the year of the rebellion, what had been their conduct? Before that time there had not been any thing of open rebellion in Ireland, but there had been in the empire two separate rebellions for placing the exiled family on the throne. Look to history—look to the acts of your government at the time, and you will be told, that, during both these rebellions, the demeanour of the Roman catholics of Ireland, though the object was to create a Roman catholic king, was as loyal as possible. During the American war there were periods when the enemy triumphed in the channel, possessed a superior force, and threatened the invasion of the kingdom; at that time the catholics were not only loyal, but they were esteemed as such, and trusted with arms for the purpose of repelling the common enemy. I speak in the hearing of persons who have successively filled the office of lord lieutenant of Ireland, and secretary to the lord lieutenant. I ask any of them to rise and declare at what period of our history it was, when the catholic body, as a body, appeared disaffected, either to the established government or the constitution. If down to the period of the last rebellion they were uniformly loyal, it is no slight circumstance that the rebellion in Ireland arose not from religion, but other circumstances. What is notorious to every man is, that in the whole of the conspiracy we see the arrangement of the leaders was composed, not of catholics exclusively, but of men called united Irishmen, which was a name given to mark an union of different sects. The next fact is, that among the leaders of the rebellion it is notorious, that though there were many catholics, there were also many protestants. In the insurrection, the principal leaders were not catholics, but protestants. It will not be thought, that because I told you there were protestant persons in the rebellion, it was therefore a protestant rebellion. I mentioned it to shew you, that the rebellion took its rise from causes different from religion—that it pointed at a different object—that if it had succeeded, the catholic religion would have been overthrown equally with the protestant religion. The object was not the overthrow of either, but of the monarchical government of England. Many striking instances may be found of protestants who embarked in that rebellion with as much zeal and personal hazard as any catholic. If, then, there is no ground for the imputation of the late rebellion—if the circumstances since, instead of furnishing grounds of charge against the catholics, furnish a refutation of them—if we are told, that in Ireland three-fourths of the catholics are more quiet, tranquil, and loyally disposed towards the monarch of this throne, than they have been for years past, surely it is as fair to give the catholics all the advantage of their present character for loyalty, as to charge them with the guilt of rebels. Upon both these points, how does the question stand? You have the disclaimer of the catholics of those odious principles. You have the strongest of all evidence, their own positive, public, repeated declarations. I know that there has been a fashion to have recourse to the old exploded doctrines, that there is something in the catholics, that, let them say what they will, they are not to be believed on their oaths, because there is a power acknowledged in their religion capable of dispensing with that sacred obligation, and of relieving them from the guilt of perjury. It would be useless to shew to what length this argument would go. If it is true that 4,000,000 of persons cannot be bound by any oath, the consequence must be, that the civil government of Ireland cannot longer exist—the people are disqualified from enjoying any civil government. One need not go to extremes to prove that this is not a very happy argument on the part of those who assert the proposition of the necessity of enforcing the restrictions. The restrictions are enforced by an oath—the catholics are excluded because they will not take the oath of supremacy.—What! if they are not worthy of being believed on oath—if that solemnity can be dispensed with by the Pope, is it to be supposed that they would hesitate to take an oath to qualify themselves for situations which will enable them to subvert the government of the country, and make the Pope lord paramount? The argument is conclusive—if they are not fit to be believed on oath, the test is worth nothing. I am endeavouring to anticipate every objection. It has been mentioned to me, that although this petition contains a disclaimer of all the doctrines attributed to the catholics, yet that the petitioners are all laymen, and that you are to infer, because no clergyman has signed, that the doctrines protested against are held by the priests. The argument would not be good for any thing if it was true; but I am desired to state, that the only reason why no clerical person has subscribed his name to the petition is, because it refers to civil rights only; they judged that their interference would be an intrusion. Not only are they willing to join in the disclaimer, but I have it by the records of the country, by the certificates of courts of law, that these respectable men have all of them taken the oaths, and subscribed the declaration.—One other only argument on this point of the subject. It is a prospective argument. If it is not true that every catholic is a traitor, yet it is said that the time is coming when every catholic must be a traitor, because the Pope has gone to Paris to crown Bonaparté. It is supposed, that if the Pope has gone to Paris, and Bonaparté has received the crown from him, it must follow that the catholics of Ireland are subjects of the Pope, and are transferred to France. Such trivial arguments would be unworthy of a grave assembly, if it was not that, by such absurdities, attempts were made to revive the animosities of the two religions, to extend them to this country, and, as if this was not mischief enough, to make the cry of popery the means of disposing the foolish and ignorant to deny the claims of justice to their fellow-subjects. Can any man believe that the Pope is more connected with France now than at the time of the Bourbons, or when the pretender was at Rome? Is it believed that he is more actuated by a wish to extend the power of France than at any former period? Quite the contrary. I hope there is no man who has not viewed with pity the humiliating and degraded situation in which that person is placed. If he possesses feelings, they must be the feelings of deep mortification, and of disgust at those who imposed the disgraceful task upon him. What is the inference, but that the power of the Pope is less—that his respect is less—that he is more degraded, and less to be feared, than any person who ever filled the chair of Rome, supposing it possible to impute to him any hostile intention towards this country? So far from feeling apprehensions at the Pope's journey to Paris, it is a transaction that exhibits him no longer as a priest, but as a person forced to expose himself and his religion, in performing a disgraceful ceremony. There have been periods when the Pope of Rome favoured the interests of France; but you never found it excited rebellion in Ireland. You find the pretender supported by Rome, and yet that was the very time when the interest of his family in Ireland declined. In the present state of the affairs of Europe the influence of the Pope never can be attended with any serious consequences. If, instead of all this, every one of the propositions I have contradicted was true—if the catholic religion had a tendency to make its professors disloyal—if they were disloyal, and in connection with the French, I should then say the necessity that existed for repealing the restrictions was only the stronger—that it would the more become you to exert yourselves to contract that disposition by every measure of conciliation and harmony that could be devised. I should say, that the true allies of Bonaparté in Ireland would not be the catholic religion, but those who were endeavouring, and had endeavoured to excite and revive animosities, which had composed themselves and would gradually compose themselves, and leave the country in a tranquil state. To argue the question with regard to the dissenters, I cannot on this occasion. It is said, that if the restrictions are taken off the catholics, it will be necessary to repeal the test act. It would be a most absurd thing to say, because you grant a right to the catholics, you are therefore bound to grant an indulgence to the dissenters. Whether the dissenters have a right to the indulgence, I cannot say, but I am sure that nothing can be more unjust than that the catholics should be deprived of their rights, because others are judged by you not entitled to any indulgence. There never was a proposition more shocking, or unfit to be argued. If, instead of having shewn you that there is no foundation for the dangers apprehended, the fact was otherwise, let me ask you whether the present system would not augment them? I will admit that the catholics are as radically disloyal as they are represented, and then I come to the question—What is the line of conduct to be adopted? Shall 4,000,000 of persons entertain an irreconcileable hatred to your establishment? There are two different lines of conduct to be adopted; the one is that which was pursued by Queen Anne—the other the line which has distinguished the present reign. If their dispositions are such that you know they will exercise power to your destruction, your conduct must be like that of Queen Anne—you must take the power from them—you must take from them property, and the means of acquiring it: but I conceive that the wiser system would be endeavours to conciliate them. Has the system of restraint any tendency to ameliorate their condition? Can any thing have a worse tendency than to tell them that you distrust their loyalty? If such a system will neither conciliate the higher or the lower orders, can it have the effect you wish? If there be any force in the opinion that you ought to refuse to enter into the consideration of this petition, it can arise from this circumstance only, that we are arrived at the point where it is necessary to make a stand, and concede no more. I doubt whether it would be prudent for the legislature to say, we will now tie up our hands. Whatever system is adopted by the legislature, ought to be on principles immutable, and containing lines of distinction so clearly marked, that no man can mistake their tendency or operation.

Now, let me ask, whether the point on which these laws stand is of this description? You have conceded to the catholics all the civil rights necessary to fill all offices, with the exception of seats in parliament, and the heads of professions. If there is any disaffection among the catholics, it is among the lowest orders; and your remedy is, to exclude those persons from that share of respect which you could give them. I should think that sound policy ought to be the reverse. If you confide in the higher orders, you ought to give them power and consideration; and if you are obliged to impose restraints, impose them on those whose dispositions you distrust. Does any man believe that there would be less practical advantages from not excluding three or four peers, of whom we may state that we do not distrust their loyalty, but also that they have given as signal proofs as any men in his majesty's dominion, of their zeal and good conduct? If they came into this house, do you believe they would persuade you to abolish the hierarchy of this country? Would you be afraid of their influence going into the house of commons? Few can be so ignorant as not to perceive what little benefit the cause of the catholics would derive there. Supposing even 50 catholics obtain seats in the house of commons, could they persuade them to overturn the protestant government? The same sort of observations were urged at the time of the union between Scotland and England. There were not wanting persons who told you, that by admitting the Scotch members you would overturn the hierarchy of the church of England. You have had for a century sixteen peers, and forty-five commoners in the house of commons, and I ask your lordships, not whether they have overturned the church of England, nor whether they have overturned the monarchy, but whether you can point out a single instance of a Scotch peer or commoner, who ever dreamt of such a thing as putting the church of Scotland, so adverse to bishops, in place of the episcopalian establishment of the English church? Surely, then, we ought not, on such grounds, to adopt a measure tending to throw so humiliating a stigma on a respectable class of subjects. I have seen every one of the offices of government filled by persons who may be presumed to have had a presbyterian education. I have seen your predecessor on the woolsack, the chief justice of the king's bench and common pleas, the chief baron of the exchequer, a master of the rolls; the president of the council, besides generals and admirals, all of whom have been presbyterians, and yet have filled their offices with advantage to the country. I have seen every one of these offices so filled, and yet I have never observed, on the part of the persons filling them, the least disposition to change the form of the existing government. It has been said in this house, that the consequence of entertaining the petition of the catholics would be, that you would have a protestant king in England, and a popish judge in Ireland. It has also been said, that, admitting it to be true that the catholics cannot overturn the established government, why are they so pertinaciously desirous of obtaining offices of public trust and confidence? I answer, that it is, because there is no proposition of more force than this; that although between individual and individual, the argument does not apply, yet between nation and nation, or between a nation and an individual, it is not true that what the one gains, the other loses. It is not true, with reference to this question, that what the subject gains, the government loses. Though the thing granted is of no value to you, it is of infinite advantage to those on whom it is bestowed. It is worth nothing to you to keep, but it is of the utmost importance to them to acquire. Let me desire your lordships to consider, what is the course of every liberal profession of life. Is any one at a loss to know, how much importance the student of law derives from the exalted situation of the noble lord on the woolsack? Is there any man in the navy, who does not look forward to the probable attainment of the ranks, and honours, bestowed on a Howe or a Nelson? The condition of every man, who is a free inhabitant of this country, is exalted by the consideration, that there is no one who walks the streets, whatever his situation may be, who, with the exception of those to whom these restraints apply, may not arrive by industry, talent, and perseverance, to the highest ranks in society. To these who are so excepted, we can never say

> ——— I pede fausto
> Grandia laturus fortunæ præmia.

It is this principle, which teaches the people of this country, to feel a sympathy in the dignities bestowed on those above them. They are sensible, that however low their own condition may be, they are entitled to aspire to the same advantages. But I should like to know, if a law was to pass that the students of the Middle Temple should be eligible to the office of lord chancellor, and that those of the Inner Temple should be excluded, whether their condition and consequence would be the same? Go into the army, and the argument is precisely similar. Look at an equal number of subalterns. To one it shall be said, shew courage, discipline, steadiness, every thing that can animate a soldier, yet there is one thing attached to your situation, you never can rise to that rank in the army, which will enable you to make yourself a name to posterity; you never can obtain that which is the greatest incentive to the display of valour. The loss is not in the equal privation of an advantage; for it may happen that no subaltern officer may become a general, no student become a chancellor. The degradation consists in the deprivation; and therefore this, which is little for you to give, is much for the catholics to obtain. If your desire is, that there should exist an idea of equal law in Ireland, how can it exist so long as the people say, "It is not myself, but the law, that imposes this disqualification; because the law says I am a person whose loyalty cannot be trusted." Then I ask you, what hope there is for a country, whose religious animosities are thus excited? The memory of former contests can never be extinguished, so long as you continue a degrading system of exclusion, pointed at one class of subjects. These, my lords, are the reasons why I wish you to give way. I am perfectly persuaded, that, trifling as the privation appears in your eyes, it is not inconsiderable in theirs. I conceive, that not a little advantage would result in this and other parliaments, from having representatives known to be of their own persuasion. If they had such persons to represent them, however few they might be, they would feel, that whatever their complaints were, whether real or unfounded, they would be attended to. They would feel more confidence, than when they are told, that you have shut your doors against every person of their community; and that you will not suffer any person of their description to enter the threshold of the legislature, because he holds religious opinions injurious to the safety of the state. What other conclusions can they draw, but that their religious and civil opinions are deemed injurious to the state? And if they feel that they are so distrusted by you, what can follow but suspicion and distrust on their side also? This, my lords, is the great and leading principle, which actuated my mind in the resolution to submit these observations to your better judgment; and it will ever be my happiness to reflect on the attention with which you have heard me. The object of the motion I mean to conclude with, is that which must be the object of every man who hears me, of every good citizen,—the uniting and knitting together the hearts and minds of all descriptions of men—that for which you daily entreat a blessing from Heaven on your councils. It is in that persuasion I ask of you no immediate, or specific grant, because I am not prepared to say what other measures, healing, and salutary, ought to accompany the adoption of my motion. Many there are, but this is not the fit occasion for stating them; all I now ask of you is, not to shut your eyes, but to go into a committee, to consider that which never has been considered as one united subject in parliament, I mean the state and condition of Ireland, the leading feature of which is the religious restrictions of its people. It has long been my wish, to have an opportunity of stating their grievances to your lordships. When I found that the people of Ireland grew impatient at your neglect—when I found that no step was taken to redeem the pledge given them by the union, I was decidedly of opinion, that all the best interests of the British Empire required that the subject should be brought into discussion. It was their desire it should now be brought forward. I think the season highly favourable. There is every motive for endeavouring to preserve that necessary part of the empire: you are called upon by every principle of self-defence, to close your ranks, and unite your whole force in order to oppose an enemy, whose power you have so much reason to contemplate with awe. There is this further argument in favour of the question—that it is not called for by tumult, but by the good conduct of the catholics. I was not sorry for the opportunity of stating my own sentiments. I felt honoured by being desired to put myself forward, and I can only add, that I should feel happy if, in the manner of discharging my duty towards them, I have done their cause no prejudice. I conclude by moving, "that the house do now resolve itself into a committee of the whole house, to take this petition into consideration."

Lord *Hawkesbury.*—My lords; after the determination expressed by the noble baron who has just spoken, to treat the subject with all the temper and moderation which properly belonged to it; I can only regret that he seemed, so early in his speech, to forget the recommendation with which he set out. The question, he said, would and must be carried, if not on this night, at least at no very distant period. This was holding out something like a menace to the house, calculated to defeat that temper and moderation, which the noble lord himself had begun by recommending.

Lord *Grenville* spoke to order. He said it was impossible for him to remain silent, when he was so grossly misrepresented. He would appeal to every noble lord, to every honest man who heard him, whether he had uttered a sentiment or a word that could be considered as the language of menace; when he said it must ultimately succeed, he only meant that sooner or later truth and reason must triumph over the prejudice of any party.

Lord *Hawkesbury* then proceeded: I certainly understood the noble lord to have used those terms in the sense which I have affixed to them: but if the noble baron only means that his cause must ultimately triumph by the force of reason and argument, I am equally ready to meet him upon that ground. In opening the business, the noble baron has not thought proper to explain to us distinctly the object of his motion for referring the petition to a committee. From the whole train of his reasoning, however, we cannot be at a loss to perceive that he does not propose to confine himself to the partial measure of remedying the complaints of the petitioners; but that his argument goes to the full extent of repealing and abrogating all the tests at present subsisting in every part of the empire. I trust your lordships are fully sensible of the magnitude and importance of such a proposition; I trust you will pause before you give any countenance to the first step of a proceeding which may lead to such alarming consequences. Whatever difference of opinion I may entertain as to the merits of this petition, I have deprecated its being brought forward at the present moment: and I have great satisfaction in feeling, that, differing as I do, on this part of the subject, from some persons, whose vote this night will be dictated by the same general principles as my own, no efforts have been omitted by me to prevent this question from being agitated under the present circumstances. Similar exertions for the same purpose have been made by my noble friend who is at the head of the government of Ireland: but as all our exertions have proved ineffectual, as the Catholics have been advised to press forward their claims on the attention of parliament at this particular period contrary to their own interests, and, as I think, to a just consideration of what is due to the tranquillity of the empire; I feel it to be a duty to have no reserve upon the subject. I owe it to the country, to this house, to the petitioners, and to myself, to state distinctly my opinion on every part of this question; an opinion not hastily formed, but the result of some years' consideration; an opinion founded on the most accurate observation, and the most diligent enquiry I have been able to make upon the subject: and though I certainly think the present time peculiarly unfavourable for its agitation; though I am of opinion that the circumstances growing out of that time, would of themselves furnish a sufficient ground for resisting the proposition of the noble lord; yet my objection rests not on the time only, but is applicable to any time and to any circumstances under which this subject can be brought forward.—In stating this opinion to your lordships, it would be contrary to all the feelings I have ever entertained, and all the sentiments I have ever expressed, if I could be supposed to be influenced by any motives of passion or prejudice towards the individuals who are principally the subject of this night's debate. In this view, many of the principles laid down by the noble lord would not be applicable to me, or to any of those who act under similar impressions. It has ever been my opinion, that toleration should be extended to all classes of religionists, and to all sectaries. It was a question much agitated about a century ago, by certain speculative writers, whether the evils which would result from the prevalence of infidelity, or from the influence of religious superstition and enthusiasm, would be likely to be the most destructive of the happiness of society? This question, if ever it was a problem, has been solved within our own experience. We have lived to see a republic of atheists established, for a time, in the very heart of Europe: we have witnessed the desolation which they have occasioned, and experienced, in part, the evils which they have produced. We must be sensible that the bigotry, intolerance, persecution, and cruelty of the most condemned systems of superstition and enthusiasm, are as clemency, moderation, and mercy, when compared with the same qualities in the atheists of France. With such an example before our eyes, we can no longer hesitate in believing that those who possess any religion, be it what it may, are to be preferred, both as men and subjects, to those who have none. Every class of religious persons, in this view, deserves the support, the toleration, and protection of a rational government; and of the different descriptions of christians, the catholics are not those in whom I have the least confidence; nor can I agree in any of the suspicions which may have been entertained, that the catholics are incapable of becoming loyal and dutiful subjects. I am convinced that many of the odious tenets ascribed to them, have never been substantially, and, in fact, believed by them. I know by experience, both by their conduct in this country during the most critical times, by their conduct in Canada and in many other parts of the world, that they have proved themselves on many occasions most loyal and excellent subjects even to a protestant sovereign. But the question we have this night to consider, does not relate to their situation as subjects; we are deliberating upon a claim to political power. Civil liberty should be denied to no man, except upon the strongest reasons; civil rights ought not to be abridged, except upon the most urgent necessity: but the principle which ought to influence the distribution of political power, is not only not the same, but is in some respects the very reverse of that which ought to operate upon civil liberty. With regard to the one, the presumption is always against all restraint; with regard to the other, however wise it may be to extend it, it should always be extended with that degree of jealousy and circumspection which may enable us to guard against the abuse of it, and which may prevent its being made the instrument to destroy the very government, for whose protection and support it was alone created.—I am ready to admit, that no laws can be considered as perpetual, and that there must exist in every state a power somewhere, to revise, to modify, and even to abrogate the laws of the state, according as circumstances may render it necessary: but it has been the practice of every wise government to adopt certain elementary and fundamental laws, which might become a kind of landmark between the governors and the governed, and which, though they might be made the subject of revision and even of alteration, should not be changed, except on the strongest grounds, and on the most urgent necessity. The principles of the revolution, as established by the bill of rights and act of settlement, have always been considered as of this description. It is one of the fundamental principles of these laws, that the king must be protestant, and must hold communion with the church of England. The conduct of our ancestors at the revolution, has been a subject of admiration to all wise men and true patriots. The persons who brought about that glorious event, were sensible of all the advantages of hereditary monarchy; they determined to depart no further from the strict line of succession, than the necessity of the case and the nature of the circumstances rendered indispensible: but in their prospective settlement of the constitution, as well as in their remedy of existing grievances, they had the courage and fortitude to consider the situation of the country in all its different contingencies; they put the question to themselves, whether the inconvenience arising from having a king of a religion different from that which was established in the country, or the evil of breaking in upon the order of succession, were the greater: and, with all their attachment to hereditary monarchy, they determined that it was more expedient to break in upon the line of succession, than to risk the consequences which might result from having a sovereign of a religion different from that of the country. This law was not founded upon any speculative principles, nor decreed from any idea of imaginary grievances; but was the result of experience, and grew out of the evils which had been actually felt under a king who was of a religion hostile to that which was established in the state. Now, I say, it follows as a necessary consequence of the limitation of the crown to persons of the established religion, that the same principle should apply to the immediate advisers, counsellors, and officers of the crown,—to those who dispense the favours of the crown, who are in some instances actually the delegates of the crown, and who must act in its name and by its authority. There may be shades of opinion as to the extent to which it may be expedient to apply this principle; but that it is true to a certain extent, and in a certain degree, must appear incontrovertible: for what could be more preposterous than, in a government of law, where the law is above the crown, to compel the king, under the pain of forfeiture, to be of the established church, and to allow the ministers, the chancellor, the judges of the land, to be of any religion the most hostile to the establishment? If we were reasoning ab initio, the converse of this doctrine, I could conceive, might be maintained with much plausibility; I could understand its being contended, that any infringement upon the line of succession in an hereditary government was so serious an evil, and might be productive of such calamitous consequences, that it might be more expedient to incur the inconvenience of a king of a different religion from the religion of the country, rather than expose ourselves to all the evils which might arise from the possibility of a disputed succession; and that our security ought therefore to depend not upon the limitation of the crown in this respect, but upon a limitation against all those who hold the principal situations of trust and power under the crown: but it is impossible to conceive how the idea can be ever be entertained, that were the hereditary principle is in question, you will actually violate it, rather than suffer a prince to sit upon the throne, who is of a religion different from that of the state; and yet, where the hereditary principle does not interfere, nor any other principle which can in any degree be at variance with what is due to the security of the establishment, that you will suffer the servants of the crown to be of a religion the most hostile to that of the state, though their being so must be productive of as many and even more practical inconveniences than could arise from the king himself being in the same situation. The limitation of the crown, therefore, with regard to religion, would seem necessarily to lead to the limitation of the advisers and counsellors of the crown; and the principle with respect to the first could never be maintained, unless it were likewise extended to the latter.—In point of fact, the history of our constitution establishes the truth of this very course of reasoning. When, at the restoration, apprehensions and jealousies were entertained both of the presbyterians and catholics, parliament began by passing the corporation act, principally directed against the former. They afterwards passed the test act, principally directed against the latter; no limitation then existing or being adopted with respect to the crown itself: and when the Duke of York publicly avowed his conversion to the roman catholic religion, and a bill was in consequence introduced into parliament with a view of excluding him from the throne; it was professed by those who successfully opposed that bill, that they would agree to any limitation on the exercise of the power of the crown, though they would not consent to break in on the course of succession. The king made a declaration conformable to the same principles, the exclusion bill was rejected by this house, and it was not till after the country had the experience of the evils arising from a catholic king, that, in the future settlement of the constitution and the throne, the same limitation was extended to the crown with regard to religion, which had been previously imposed on the great officers of the crown, and on the members of both houses of parliament.—The adoption, therefore, of this principle with respect to the latter, was antecedent, in point of time, to the adoption of it with respect to the former; the importance of the limitation, in this instance, for the security of our establishment, appears to have been judged to be at the least as natural and essential as in the case of the crown itself; and the objections which were felt to apply to such a limitation on the crown were considered truly as in no degree applying to a limitation on the offices of the crown.—I come now to consider what might be the practical effects of a removal of all these limitations and restrictions which our ancestors have adopted for the security of the constitution. These restrictions apply both to the dissenters and the catholics, but to the latter in a much more extensive degree than to the former. It may be material, therefore, in this place, to state what was the cause of this distinction. There are certainly some classes of protestant dissenters who differ from the church of England, on matters of doctrine, as widely as the roman catholics; there are some who differ even more widely on the subject of hierarchy and church government: but there is this important distinction between protestant dissenters of every description and roman catholics; the former admit that all ecclesiastical matters may be the subject of internal regulation; they acknowledge no foreign jurisdiction, they pay no foreign allegiance: the catholics, on the contrary, acknowledge a jurisdiction in a foreign power. I am aware that this jurisdiction is stated to be confined to spiritual and ecclesiastical matters: but it must be obvious to every person who has considered the subject, that it is impossible, in many cases, to separate civil from ecclesiastical power. In the catholic religion, above all others, the jurisdiction and authority of the priesthood interfere in a great part of the civil and domestic concerns of life. Let any person reflect how large a proportion of the property and civil rights of individuals must depend on the legality and validity of marriage; yet on this subject the opinions and practice of the catholics differ essentially from those of the established church. They consider marriage as a contract to be entered upon, in many cases, under different conditions and in different circumstances from those which are prescribed by the laws of the country, and, when completed, to be incapable of dissolution, on any account, by any human authority. The power to whom they appeal, on all those subjects where there is ground for doubt, is a foreign power, wholly unconnected with, and in a greater or less degree necessarily hostile to, the state. Can there then be any doubt of the importance and solidity of the distinction between the roman catholics and all other classes of christians? Their obedience to a foreign jurisdiction forms an additional feature in their dissent from the establishment to that of all other christians, and renders additional guards against them indispensable: but I say with respect to all descriptions of dissenters; would you intrust the patronage of the church, in its most important branches, to persons who consder your establishment heretical or idolatrous? Are you desirous of seeing the administration of justice in the hands of those whose religious opinions are, in the most essential particulars, directly at variance with the law of the land? Would you be satisfied, that the office holden by my noble and learned friend on the woolsack should be conferred on a person of a religion hostile to that of the state? Remember, that, if religion does really operate upon the mind of man, it must operate far beyond all human considerations; that no pious man will prefer his temporal to his spiritual concerns; that, if the religion and the state are distinct and at variance, and he is compelled to decide between them, he must decide for his religion, and against the state. It is not because I believe the catholics to be bad men, it is because I believe them to be honest and sincere, that I would exclude them from that power, which they might use for our own destruction. It cannot too often be repeated, that the question before us is not whether the catholics may be loyal subjects; not whether they should enjoy toleration, or obtain civil rights or civil liberty; but whether you will grant to them political power of every description, at the time when they refuse to acknowledge the complete authority of the state. Whenever this question has been discussed without doors, the only answer I have ever heard made to it is that, as long as we had a protestant king, there could be no probability of any of the offices in question being filled by any except protestants: but, I ask, where is the security for this? where, but in the laws which it is proposed to abrogate? And if this were the case, what is the boon sought for; and why is there any eagerness to attain it? It would be to deceive both catholics and dissenters, if we should repeal these laws as a favour, and then refuse them the advantages which they have sought for and expected in their repeal. If the safety of the state requires a barrier; let that barrier be the law, and let us have courage and firmness enough both to avow it and to maintain it.—The question relative to the admission of catholics to parliament, stands, I admit, in some respects, upon different grounds from that of their admission into the great offices of state. The members of the legislature are not compelled by the law to hold communion with the church of England: and, powerful as each branch of the legislature is in itself, the personal power of the individuals who compose it is very different from the personal power of those who hold the great offices of state, or who belong to the council of the sovereign. But though the legislature has not enacted the same tests for the members of the legislature, as for the officers of state; it has enacted some tests, and those of a nature very important. It has enacted for this purpose, an oath of abjuration of the pretender; a test which at this time of day may not be considered as very essential, but which no class of christians has any objection to take. It has enacted a declartion against transubstantiation, and other popish articles of faith; a declaration most necessary at the time it was adopted, but which might be stated, perhaps with some degree of plausibility, to be a mere doctrinal test, and, though applicable to doctrines which are at variance with the religious opinions of the established church, not more so than many of the sentiments of certain classes of dissenters: but it has enacted the oath of supremacy: and I appeal to all considerate men, whether, as long as the catholics refuse to take that oath, it could be safe to admit them into the two houses of parliament. I desire it may be considered, what is the purport of the oath of supremacy: it does not call upon individuals even to declare his majesty head of the church, as he is by law; It calls upon them only to abjure all foreign dominion and jurisdiction; and as long as the catholics decline taking this oath, could it be consistent with the security of the state, to consider them as competent members of the legislature of a protestant and independent country? But in addition to these considerations, arising out of the importance of the tests themselves, particularly the latter, I am convinced it would be highly inexpedient for the interest of Ireland to repeal these tests, and thereby enable Roman catholics to become members of the legislature. In the first place, it would not satify them; and I should consider, that to add to their political power by means which would not satisfy them, would be the greatest degree of imprudence. In the second place, though it might benefit a few individuals; instead of being advantageous, it would be highly injurious to the great mass of the population of Ireland. In the year 1793, the elective franchise in the counties was granted to the Roman catholics of Ireland. This was considered at the time to be a great boon to them, not so much on account of the political power which it bestowed upon them, as because it placed the catholic tenantry upon the same footing with the protestant tenantry, and afforded therefore to landlords the same inducements to favour and conciliate the one as the other. The practical effect of it has, however, been to produce in the counties of Ireland something approaching very near to universal suffrage; as the law stands at present. No great inconvenience is, however, felt from this circumstance; they can vote only for a protestant candidate; and, the great mass of property being in the hands of the protestants, the tenantry, according to the natural order of society, will generally follow their landlords. But I know it is the opinion of some of the persons best informed of the internal state of Ireland, that, if the doors of parliament were once thrown open to catholics, if catholics could once declare themselves as candidates in the different counties, the influence of the priests would be exerted in favour of the catholic candidates as such, and certainly against the protestants. The result would be, that the influence of property would be operating on one side, and that of religion on the other. Such a state of things would not only produce much internal confusion and disorder, but it would operate most injuriously with respect to the lower orders of the people, who would unavoidably, in many instances and on many occasions, become the victims of these conflicting interests. I am therefore clearly of opinion that, upon general principles, it is to the highest degree inexpedient to relax any of those laws which have been enacted for the security of the establishments of the country. The noble lord has stated, that he could not see any thing in the present times, which could render it inexpedient to grant the prayer of the petition. As to this point, my lords, I view the subject very differently from the noble lord; I consider the circumstances to be so materially changed since the years 1800 and 1801, as to absolve from inconsistency any person who might have been disposed to support the measure at that period, and who may nevertheless be determined to oppose it in the present instance. The French revolution, as I have already stated to you, was founded in part on atheism; It was calculated to occasion new and great dangers to Europe; the cause of civil society was at that time naturally and justly considered to be the cause of all religions, against those who had none. The circumstances of the moment induced many persons to feel an indifference respecting the subject of all former contests. To a certain degree, this change in our policy might be not only natural, but wise:—but, as it repeatedly happens, in our exertions to avert the present danger, we were not at all times sufficiently considerate of the past, nor so attentive as we ought to have been to the future. However this may be, we have witnessed a great change in Europe within the last four years;—the extreme of democracy has given place, as in the end it naturally must, to the most arbitrary power which was ever erected in any country; and the person possessing that power, has judged it prudent to reconcile himself to the pope, and to the church of Rome, as a support and assistance to his authority. Whoever considers the extent of the power of France at the present moment; whoever reflects, that almost all catholic Europe, with the exception of the dominions of Austria, is in subjection to France; whoever contemplates the absolute dependence of the pope on the will of France, and, what never happened in any former period, that there is at present no counterbalance whatever at Rome to the influence of that power; whoever gives due weight to the considerations arising out of the nature of the connection subsisting between the catholics of Ireland and the pope, and will attend to the circumstance that the catholic church of Ireland is under the controul and superintendance of a college of cardinals at Rome; must be convinced, that there never was a moment more unfavourable for augmenting their political power. On every sound principle of reasoning, this could not be considered as a proper time for bringing forward such a claim. Those who do not agree with me in objecting to the measure on principle, should nevertheless wait for the result of the contest in which we are engaged; they should feel that this was the time, of all others, when it would be peculiarly hazardous to part with any share of that power which, once parted with, it might never be possible to resume, and which, if abused, it might be beyond our own power to remedy. I come now to the consideration of the practical advantages which would be likely to arise from these measures; and I cannot but feel, that we are called upon to sacrifice our laws for a benefit to a few individuals, but which would be likely to afford no advantage whatever to the great mass of the catholic population of Ireland. Every thing in that country has already been conceded to the catholics, which can interest the great body of the people. They enjoy the right of admission into all offices, civil and military; the right of franchise in their respective counties; and, in short, every right and privilege enjoyed by their fellow-subjects, with the exception of about thirty-eight of the first offices of state, and the admission into the two houses of parliament. Can we, then, really believe that they feel much anxiety on the subject of what remains to be given? I am fortunately in possession of the sentiments of some important authorities on this part of the subject. In the year 1798, several of the persons who were under the accusation of high treason, were examined before a committee of the lords and commons of the parliament of Ireland, and were permitted to banish themselves at the time of the peace, on condition of making a full disclosure of all the circumstances within their knowledge, relative to the rebellion. I shall not allude to the evidence of that person, who but a few weeks before had been described to be the most virtuous and enlightened of patriots; but who proved himself on that occasion by his own confession to be the greatest of traitors; I mean Mr. Arthur O'Connor. I am desirous of referring you to the evidence of persons both in talents and perseverance very much his superiours. The 1st is, Dr. M'Nevin, a physician and a catholic; the 2d, Thomas Addis Emmett, a professed protestant, and a lawyer. My lords; the following questions were proposed to Dr. M'Nevin by the secret committee of the Irish house of lords:—Was any ecclesiastical establishment intended by the new government? *A.* No: I conceive that a revolution would of course involve the demolition of the church establishment, and of course a relief of the poor from tithes.—*Q.* Do you think the mass of the people in the provinces of Leinster, Munster, and Connaught, care the value of this pen, or the drop of ink which it contains, for parliamentary reform or catholic emancipation? *A.* I am sure they do not: but they wish much to be relieved from the payment of tithes.—To Mr. Emmett, the questions, though not so pointedly expressed, were of a similar nature, and the answers are not less deserving attention. *Q.* Do you think the mass of the people care for catholic emancipation, or parliamentary reform? *A.* I believe the mass of the people do not care a feather for catholic emancipation; neither did they care for parliamentary reform, till it was explained to them as leading to other objects which they looked to, principally the abolition of tithes. They were also taught to consider that, when they became members of a democracy, their condition would be bettered. *Q.* Was any ecclesiastical establishment intended by the revolutionary government? *A.* None, certainly.—Why then I have a right to infer, as well from these authorities, as from the presumption of the thing itself, that, circumstanced as the great body of the Catholics is at this time, they would not consider what you are called upon to grant, as any desirable boon or material concession to them. The noble baron has said that, in acceding to his propositions, we should part with but little, and grant much. My view of the question is totally different; I am of opinion that we should give little, and risk every thing; that we should surrender that which would not "enrichen them, but might might make us poor indeed." I believe that what remains to be given is all, because if given it might make the catholics the state. I am ready to give them every thing under the state, but I am not prepared, and, I trust, your lordships neither are nor ever will be prepared, to surrender the state itself into their hands. I have heard it said, since you have given so much, why not relinquish the remainder? I answer, you have hitherto only given them that which, however advantageous and beneficial it may be to them, is little taken from you, whilst you preserve what remains. The objection to your former concessions has been, not to the concessions themselves, but to the future advantage which would be taken of them; and that, were those once granted, they would tend infallibly to the conclusion which is now attempted to be drawn from them. Recollect, that you still hold in your hands the great offices of state and the two houses of parliament, and that therein are vested the power, jurisdiction, and sovereignty of the empire. Be firm in your present situation, and your establishments are safe: but every additional step you take may lead to the vital prejudice of the country. I would now ask, whether, if this measure were conceded, we really believe the Roman catholics would be satisfied, and whether we have any ground of confidence from past experience, that nothing further would be demanded, which it might be indispensible to refuse, and yet which must be refused, after this concession, with considerable difficulty and disadvantage. I admit that the petition on your table is drawn up, in general, in moderate terms: but the catholics even there insinuate that they are not very well satisfied with the substituted tests which they are now obliged to take; and when all the remaining restrictions are repealed, I should not be surprised if they demanded a repeal of the very tests, on the condition of taking which they have been hitherto relieved. But is this all? Let me appeal to the history of Ireland within the last few years.—In the year 1793, when a noble friend of mine was lord lieutenant of Ireland, the catholics presented a petition, in which they professed specifically to state all their greivances. Some opposition was made to the prayer of this petition by persons of great weight and respectability in Ireland: but, in the end, all that they prayed for was granted. It was not till this had been done, that they stated, in an address of thanks presented to the lord lieutenant, in which they profess their gratitude for what had been accorded to them, that they considered it as a first step only to further favours, and expressed a hope that it would be followed by additional concessions. Such was the effect of your last concessions. Is it not important, therefore, to know, by what the present concessions, if granted, may be followed? Are there no questions behind this, which may be brought forward as soon as it is conceded? Attend to the evidence of Dr. M'Nevin and Mr. Emmett. Do they not tell you that, little as the Irish people feel interested in the present question, they feel a strong interest in the abolition of tithes? It has been a doctrine advanced within these few years by several persons dissenting from the church establishment, that no person ought to be bound to pay to the church of which he is not a member. This doctrine was adopted by many of the chiefs of the Irish rebellion: and I would ask the house, whether the argument of the noble baron, in favour of the concessions now proposed in consequence of the catholics being so great a majority of the people, might not be afterwards applied, with at least equal plausibility, to the question of their contributing to your church establishment?—What would be the consequence? Why; that, in making this concession, you would only change the ground of the contest, and, instead of contending with them on a question on which the great mass of the population cannot have, and have not in point of fact, any material interest whatever, you would have to contend with them upon a point on which all the passions, the prejudices, and the interests of the people would be naturally and easily embarked against you. Believe me, the laws you are desired to repeal, are the outworks of your church establishment. As long as they are preserved, the establishment itself cannot and will not be assailed. Struggle, therefore, for them to the last; and remember that if you are there defeated, the contest is not at an end; you will only change the scene of action, and have to resist the enemy in a situation where his power of attack will be more formidable, and your means of defence much more difficult. The expectation that concessions, as such, should lead to peace, is unfortunately contrary to the experience we have had in the history of Ireland. No man can lament, in itself, more than I do, the greater part of the penal code which was enacted against the catholics in the reign of queen Anne: but there is one singular circumstance attendant upon the enactment of that code, and which deserves peculiar attention.—Though Ireland, from its first conquest to that period, had, with very small interruptions, been the theatre of rebellion and insurrection, yet from the time of the adoption of that code to the period of its repeal, during a long series of years, notwithstanding there was a new family upon the throne, possessing a disputed title to the crown; notwithstanding two formidable rebellions in Great-Britain, Ireland remained in a state of repose and tranquillity; it was not till after the policy of concession had been adopted, that disaffection, insurrection, and, ultimately, rebellion, made again their appearance in that country. As I never could have approved of the principle of that code, I rejoice at its repeal: but though I approve of the repeal in substance, I doubt very much the wisdom and policy of the mode in which many parts of that repeal were effected; it does not appear to have been effected on any great and consistent system of policy by which the whole state of Ireland was brought under the consideration of government, and future dangers thereby foreseen and provided against, at the time that ancient grievances were removed: but concession seems to have been too often made to clamour, for the purpose of averting the danger of the moment; such concession, led naturally to new demands; such demands, have on some occasions been precipitately complied with; and the consequence has been, that discontent has been fostered and encouraged, and some inconsistencies have been introduced into the laws of that country, which it is imposible not to regret. Viewing the subject in this light, I cannot agree with the noble baron in attributing so much political wisdom to the gradual manner in which, in this instance, these concessions have been made: on the contrary, I discover no small inconvenience and mischief in the very circumstance which is the object of his commendation; I believe that the tranquillity of Ireland would have been better consulted, if, instead of the temporary expedients just described, a mature and steady view had been taken of the whole of its condition; if it had been deliberately enquired, what concessions might have been made without much hazard, and what ought to have been for ever refused: this being ascertained, it would have been the part of a liberal and enlightened policy to grant whatever the safety of the state would have permitted: and there would have been this convenience in such a proceeding, the deliberation with which the concessions would have been made, would have sanctioned the concessions themselves. At the same time it would have been a bar to further demands, and we should have been equally tranquil and equally safe in what we refused and what we granted. My lords, the conduct of myself, and of those with whom I have acted, will prove that we have been at all times friends to a mild and conciliatory exercise of the laws in Ireland: but whilst I state this to have been our opinion and our practice, I must be allowed to say that I have formed a very erroneous judgment of the character of the people of Ireland, if I have not learned that that policy which in my judgment is most compatable with mild laws, namely, a steady system of government, is the best chance you can have for the internal peace and tranquility of that country. The maxims which I have adduced in support of our established laws, are neither new in themselves, nor confined to the country in which we have the blessing of being born; they are the maxims and principles which have been hitherto adopted by every free community of Europe, as well in ancient as in modern times. It has been till within these few years a principle uniformly recognized, that the state and the established religion of a country must be connected; and that those who possess political power in the former, owe a certain degree of obedience and homage to the latter. If I look to the ancients, I find that, in the republic of Athens, no citizen could take a share in the civil administration, or enter upon any public office, before he had taken an oath that he would defend and protect his country and its religion, and that he would conform to the national worship. In the republic of Rome, the great civil and military officers could only be appointed through the concurrent sanction of the established rights;—without the due performance of these, the appointments were not good, the parties were said to be vitio creati, and they lost their situations. If I look to modern times, I find that, in the republic of Holland, the principal offices of the state could only be holden by those who professed the established religion of the country. In the government of Poland, (a limited monarchy in principle, however vicious it might be in practice,) the same maxim was entertained and acted upon. Similar principles will be found to have pervaded almost all the free governments of Europe: and I know not how I can better sum up what was understood to be the system and practice of Europe in this respect, than in the words of our glorious deliverer, king William; who, when applied to by king James, on the subject of indulgence to the catholics, made, through Mr. Fagel, the following answer; "Their highnesses ever had a profound submission to his majesty; &c. &c.: but since the matter that was then in hand, related not to the making of new laws, but to the total abrogation of those already made both by king and parliament, their highnesses did not see how it could be expected of them, that they should consent to such an abrogation, to which they had so just an aversion; as being a thing contrary to all the laws and customs of all Christian states, whether protestants or papists, who admitted none to a share in the government or public employments, but those who professed the public and established religion, and endeavoured to secure it against all attempts whatsoever." There are, I know, two most important exceptions, in recent times, to this policy: the first is to be found in the conduct of the national assembly of France, who proclaimed the equality of all religions; which was only a prelude to the destruction of every description of religion in that country. The second exception to this principle, is the system of the United States of America. I desire that any person who is disposed to hold out this system as a subject for imitation, would inform himself of the situation of that country; I desire that he would read the accounts of the different persons who have visited it within these few years: what will he learn from these accounts? why; that one of the circumstances that attracts the attention of every stranger who passes through this country, is the apparent indifference, in many parts of it, to all religion; that the public worship appears to be neglected; that the churches are suffered to be in ruin. Can such a state of things exist, and have no effect on the morals, temper, and dispositions of a people? should, then, America in this respect be an example even for a new community? but can she be an example to a country like Great Britain, whose pride and glory it has been, whose pride and glory, I trust, it ever will be, to exist under a different system, and to have been fostered and supported under different principles. I know that the proposition of the noble baron has the approbation of some of the best and most virtuous of men; I know, however, that some of its most active friends will be found amongst those who have, on the subject of religion, no small degree of insensibility. If religion be necessary for the happiness of mankind, states must be in earnest about it, as well as individuals. The people of every country will look, and have a right to look, to what their civil governors think, and how their civil governors act. If they are zealous, if they are united, it will have a considerable effect in producing the same qualities in the community over which they are placed; if they are lukewarm, if they are divided, what can be expected from the people?—It has been said that the laws of Ireland, with regard to the different tests, are not in all respects similar to those of Great Britain; they certainly are not so: in some particulars, the difference arises out of the different circumstances of the two countries, and it may be wise and expedient to have established it in others. However, my own opinion is, that the principal difference has arisen from a want of a due consideration at the time in the parliament of Ireland: but whatever the difference may be, we must take Ireland as we found her at the union. If the independent parliament of Ireland has removed some few restraints which it would have been more prudent on British principles to have continued, we are nevertheless bound in justice and good faith not to re-enact them, unless some strong practical necessity should indispensably require it: but on the same principle I assert, that, if the independent parliament of Ireland antecedent to the union, judged it expedient to continue certain restraints as necessary for the safety of that part of the empire, we are bound likewise in justice and good faith not to repeal them, unless some unforeseen circumstances and great necessity should compel us to have recourse to such a repeal.—I have already stated, in a former part of that with which I have troubled you, that I was ready to admit that no laws could be perpetual; but there are certain laws so incorporated with the very existence of a state, that to attempt materially to affect them, may be replete with the greatest danger.—I consider the connection which has subsisted between the church establishment and the constitution of this country to be of that nature; let us remember that if the church owes its existence to the protection of the state, the constitution owes not less its existence to the support it has occasionlly, met with from the church. In the reign of Charles the First, the party who meditated and ultimately accomplished the ruin of the monarchy, meditated at the same time, and equally accomplished, the ruin of the church establishment: they fell together, and at the restoration they rose again together. In the beginning of the reign o

Charles the Second, when the tide ran high in favour of monarchy, the only resistance which was made to that prince for some years, was made by the church party; and to their opposition at that time, we were indebted for the preservation of any part of our political liberties. I come then to the revolution: and let me ask any person acquainted with the history of that period, whether the zeal of the whigs for liberty could have effected it, if they had not been aided, seconded, and abetted by the zeal of the tories for the established church?—I call not therefore upon any one of the great parties into which this country has been divided; I call upon them all, for support this night; I call upon the whigs, who have ever gloried in the lead which they took in the revolution of 1688, who have ever considered themselves as the principal promoters of the bill of rights and act of settlement; I call upon them to support the system of King William, and the laws enacted under his auspices; I call upon the tories, the firm, steady, and persevering supporters of the monarchy and the established church; I call upon them to maintain those laws which are the bulwarks of these establishments. The question between me and the noble baron, is shortly this;—he desires you, for the reasons which he has stated, to repeal your test laws; to repeal your corporation acts; nay, to repeal the bill of rights, and act of settlement, in some of its most important stipulations. I implore you to cherish the laws under which you have lived and prospered, to cling to that policy which, in my conscience I believe, has made you what you are, and under which you have enjoyed liberty, toleration, wealth, tranquillity, beyond whatever was enjoyed by any country on the face of the earth. Avoid rash innovations, shun new experiments: the future destiny of our country is not in our own hands; kingdoms may rise and fall, flourish or decay: but let us not be ourselves the instruments of that blow which may occasion our destruction; let us not despise the wisdom of our ancestors, nor forget the dangers which they have averted! Let us reflect that all past experience and all authority is in favour of our laws, and that it is only by a steady adherence to that system which we have received from our forefathers, and a firm determination to transmit it to our descendants, that we can hope to exist with credit, or to fall (if we must fall) with honour. Impressed with these considerations; fully convinced that the proposition of the noble lord leads to the repeal of those laws which are the foundation of all our happiness, security, and prosperity; satisfied that the advantages which he expects to arise from the repeal of them, would not be gained, and that the best interests of the country would be exposed to the most serious danger; I deprecate his experiment; and I shall therefore give my negative to referring the petition to a committee.

The Duke of *Cumberland*.—My lords: after the very able manner in which my noble friend has explained to this house, the reasons which, I trust, will induce you to reject the proposal of the noble lord, it will not be necessary for me to enter diffusely into this question. But when I reflect on what were the circumstances which brought our family to the throne, and when I consider what is the object of the petition on your table, it is impossible for me to remain totally silent. With respect to the circumstances which brought our family to the British throne, your lordships well know that they originated in the revolution. The great object of that revolution was to secure the religion and liberties of these realms. These objects were confirmed by the act of settlement, by the declaration of rights, by the oath of supremacy and abjuration, and by the succession to the crown in the protestant line. To maintain and uphold all these, our family was called to the throne. And whatever can militate against these principles, in the remotest degree, it is my bounden duty, as a member of that family, and as a member of your lordships' house, to resist. For this purpose, I must ask, what is the object of that petition? It is to enable the catholics to hold offices of trust and power in the state. Was it not to oppose such a system that the revolution originated? Was it not the very life and soul of that memorable transaction to secure the rights of church and state? Are we then, my lords, going to undo all that the revolution has done? Bear in mind, my lords, the scenes that preceded the revolution; they are strong proofs that the participation of equal power by catholics and protestants, is a thing incompatible with the principles of both. Are you not already convinced, by facts and history, that it is impossible for protestants and catholics to agree in the administration of political power? What then will follow if the catholics be admitted to the great offices of trust? You will soon see what, thank God, till now we have only read: we shall experience the same confusion and bloodshed which stained all the reigns from Mary, who began with granting them a dispensing power to hold offices of state, down to James, who ended with the dispensing power in their favour. He hurled himself from the throne by conferring on them offices of trust and power, which afterwards drew down on them all the weight of penal laws: I am justified, therefore, in concluding, that there can be no boon more fraught with mischief to king and subjects conferred than that prayed for in this petition. Not only, however, the awful experience of past times, but the temper of the present times call upon us to pause, and to listen to the voice of the two great capitals of the empire, and of different counties in the united kingdom against this petition. We know, my lords, what are the feelings and sentiments of this nation with respect to the causes and consequences of the revolution. The memory of it is kept alive daily by the most solemn acts when men are called to undertake public and corporate functions. His majesty's subjects on such occasions swear to preserve his supremacy in ecclesiastical and civil matters. Does that petition acknowledge that supremacy in ecclesiastical matters? No! if then you surrender the power of the state to those who deny that supremacy, you do not maintain that supremacy, you virtually surrender it. Far be it from me, my lords, to shackle or to fetter the consciences of any men; but equally far be it from me to pull down by rash innovation any of the venerable pillars of the constitution. All that can be given consistently with reason and conscience I am prompt to give. But the constitution I cannot, dare not, will not give. I must uphold and support, with the last effort of my nature, the establishment in church and state, as the great step by which the house of Brunswick ascended that throne.

Earl *Spencer* supported the motion of his noble friend, after whose most able and argumentative speech, his lordship did not feel it necessary to trouble the house at much length. If he thought for a moment that the motion of his noble friend was likely, in the remotest degree, to injure the church or state, he assured the house that there was not a man in the country who would not only be more unwilling to support it, but who would more strenuously oppose it than himself. If he thought that it went to invalidate the principles on which the Brunswick family came to and now possessed the throne, the idea would be abhorrent to his feelings; but he thought the manner in which his noble friend had opened the speech with which he prefaced it, completely obviated any such apprehension. He perfectly agreed with his noble friend, and the noble secretary of state who followed him, in the propriety of discussing this important question with perfect moderation and temper; but insisted, that this rule of conduct had been infringed by the noble secretary himself, who attributed to his noble friend, and to the petition of the catholics of Ireland, sentiments of defiance and menace, which the fact did not justify. The noble lord had endeavoured to prove, that the Roman catholics of Ireland paid allegiance to a foreign power. He wished to ask the noble lord where he discovered this? It was perfectly new to him. He knew that they considered the pope as their spiritual head, but he was pretty well assured that they did not recognise in him a civil governor. The published opinions of some of the most learned men among the Roman catholics disclaimed that on which, to give a delusive weight to his argument, the noble secretary dwelt with such emphasis. If the fact were true, however, if it were incompatible with the safety of the church and state to allow to the catholics any civil power, why did not the noble lord vote for the committee, not for the purpose of granting to the catholics additional immunities, but to repeal those which they had already received in the present reign, and which, if the arguments of the noble secretary were good for any thing, teemed with danger to the country. The noble lord asserted, that before any concessions had been made to the catholics of Ireland, they were perfectly quiet, but that concession seemed to be the signal with them of turbulence. This was not so. It had been unequivocally proved, that the late rebellions arose entirely from political causes, and had nothing whatever to do with religious subjects. "But," says the noble lord, "if you grant this, you will be pressed to grant more." Well! be it so; if the grounds of any additional grants that might be required were as good as those of the present, they ought to be allowed, and he could not admit the possibility of what the noble secretary seemed to wish to insinuate, that the most remote wish would ever be expressed for the establishment of a catholic church, or for allowing the crown to be held by any but a protestant prince. These, indeed, would be infringements on the fundamental laws of the constitution, which he would be as eager as the noble lord to oppose. The noble lord had laid great stress on the material change which he declared had taken place since 1801, in the consideration of this subject. What had that change been? That the French had again commenced the support of the catholic religion, and consequently that their influence over the professors of it in every nation would be considerable. For his part, he was not disposed to attribute much influence to their intrigues; but allowing them the full force with which the noble lord had clothed them, he would ask, what were the best means to render futile any attempts of the French to avail themselves of this additional power of making an impression in Ireland? The answer was plain: it was by a well timed concession of indisputable right, to conciliate the affections of the people of Ireland, and thus to unite the whole kingdom in the determination to resist to the utmost of their power, the desperate attacks of their common enemy.

Lord *Sidmouth* professed his inclination to follow the example of the noble baron, and to discuss the important question which was before their lordships, with that temper and moderation that was necessary in considering it. Whatever sentiments he entertained respecting it, he would avow them plainly and frankly, and he would begin by saying, that though he would go as far in whatever regarded toleration as any of their lordships, he was not prepared to go to the extreme extent proposed by the noble baron. He listened to what fell from the noble baron with all the attention and respect that was due to whatever came from him; he heard him with that pleasure that he always did, but it was a pleasure mingled with astonishment and surprise. When he recollected how greatly that noble lord distinguished himself in combating doctrines which led to all the calamities under which a great portion of the people was actually suffering, and he feared would long suffer, it was not without excessive astonishment that he heard him on this night maintain doctrines, the direct tendency of which was the introduction of all those innovating principles against which he had so manfully and successfully struggled. Before he entered upon the question, he would take the opportunity of declaring, that he entirely concurred with his noble friend, the secretary of state, in giving full credit to the catholics for their loyalty and attachment both to the constitution and the beneficent sovereign at the head of it. He believed their intentions to be upright and sincere; but it was idle and vain to take the sentiments of the great body of the catholics from a few individuals, who could only answer for themselves. Even these could not positively say what their sentiments and conduct might be under different circumstances. They might fairly and honestly, and with the best intentions in the world, pursue a line of conduct that might ultimately be attended with the most calamitous consequences to the country. He would not, therefore, place them in a situation, where their conduct, though perfectly well intended on their part, might be productive of such baneful effects. To any lengths of toleration no man could be more willing to go than he was; but the great object of the petition was to procure what was called catholic emancipation. That term, however, was improperly applied. There was no slavery here from which they were to be delivered. They had already been relieved from every thing that had any appearance of this nature. The granting of the prayer of the present petition would not satisfy them. This would only interest the mass of the people so far as might serve to pave the way for further concessions, in which they conceived themselves to be more nearly concerned. The effect, therefore, of yielding to the claims now made would be nothing else than exciting an expectation of obtaining more. The noble lord (Grenville) complained of the policy of our ancestors, which had been relaxed within the last twenty years; and he now complained of the rigour and impolicy of parliament, which continued the restriction that still remained, though these were the most important. But the history of the country clearly shewed that the measures adopted by our ancestors, though rigorous and revolting in themselves, were detailed and justified by the soundest policy, and the most absolute necessity. The noble lord then took a view of the proceedings under different reigns respecting the Roman catholics. There was no instance in the history of the country of the protestants and papists agreeing in parliament, and conducting business of government and legislation cordially together. Under the reign of Queen Mary, who, with good intentions, adopted such sanguinary measures, the popish interests gained the ascendancy in spite of the efforts of the protestants. The priests threatened those with excommunication who would not give their votes in favour of the popish candidates, and by those and other means the queen procured a parliament that seconded her endeavours to establish popery in this country. Under the reign of Elizabeth the massacre of St. Bartholomew took place. A conspiracy took place in Ireland, that ended in the removal of the marquis of Ormsby, and left the melancholy proof that many members of parliament were engaged in promoting the rebellion; and no less than forty-one members were expelled on that account, principally from the house of lords. In the reign of Charles II. the royal word was given, that no attempt should be made to establish popery; but that word was broken, and the high offices of the state were filled with papists; and when the duke of York afterwards succeeded, an avowed Roman catholic, matters were carried so far, that the family lost the noblest possession that any family could possibly enjoy. After such experience as this of the temper and spirit of the Roman catholics, were not our ancestors justified in the precautions which they adopted against the recurrence of similar scenes? Under the reign of king William, that great friend to the liberties of Europe, as well as of this country, these measures were first adopted. After these measures of rigour took place, an interval of calm and tranquillity succeeded in Ireland, which had before been almost constantly in a state of agitation, and continued even when rebellion arose in this country. The subsequent orderly conduct of the Irish led to relaxation of those laws under the present reign, as had been correctly stated by the noble lord. He was satisfied that this was a wise policy, as he was disposed to grant every thing to the Roman catholics, except political power.—Under the constitution, as it stood at present, he would ask, what were the inconveniencies felt by the catholics? Were they not as fully protected in their properties, their characters, their liberty, as any other description of his majesty's subjects? He called upon any friend of the catholics to point out a single statute in our legislative code which bore hard upon the catholics. He was persuaded, if any such did exist, that it was only necessary to point it out, to induce its repeal. He acknowledged that many of the arguments which had been formerly urged against extending any indulgence to the catholics, were no longer applicable. He was free to confess, that the existence of a pretender to the throne could no longer be urged as an argument against their claims; and if he thought that the effect of conceding the substance of the petition would be to unite the mass of the population of Ireland, perhaps he might have not been disposed to oppose it so decidedly as he found himself under the necessity of doing; but when he saw the catholics almost undisguisedly endeavouring not to make themselves a part of the state, but the state itself, that was an object which he could never be induced to grant them. It was not merely a civil right, but political power, in the most comprehensive signification of the term, which they sought to attain. One consequence of acceding to what they demanded in their petition would be, that their clergy would acquire an authority which they, with the peculiar tenets of their religion, and the facilities it afforded, it was much to be feared, would convert to a dangerous use. He called upon the house to think of two such dangerous powers as those of excommunication and auricular confession, and then to say whether they would open a door to all the dangers that might accrue to the national church from the employment of such engines. The catholic clergy, there was too much reason to apprehend, had never relinquished the hope of becoming the hierarchy of the country. He had the authority of lord Clare for declaring, that there existed consistorial courts in every diocese in Ireland, and that there had been a person residing at Rome charged to watch over the interests of the Irish catholic church. Nay, more, there was not a dignity in the established church, which had not its counterpart in the catholic church. The ostensible object, and perhaps the real object of the petitioners was plain enough; but was that object the object of the great body of catholics in Ireland? Would not that body be inclined to extend their views a little farther? Would they not naturally look to the exaltation of their clergy, and to divers other privileges, which could not be granted to them without imminent danger to the present constitution in church and state? If the house should manifest a disposition to concede to them even the limited object they demanded, it could not be done without the certain sacrifice of the act of settlement. What, he would ask, would be the consequences at an election in Ireland, if the catholics should be allowed to become members of the legislative body? In this country we had seen the tumult and inconveniences produced by the attachment of a certain description of the people to an individual. Whatever they were, they would be infinitely aggravated in that country, where numbers would be found contending with property. He could not bring himself to concede what was required by the petition. It seemed to him a monstrous and shocking proposition to be called to place the catholics in a different state from the rest of his majesty's subjects, owing only a limited allegiance. He called on the house to preserve their protestant king and their protestant parliament, and to recollect that it was a protestant parliament which rescued the nation from the dangers of a popish king. He exhorted their lordships to follow the example of their protestant deliverer, and to resolve to die in the last dike of the constitution, both in church and state, rather than abandon one principle of either. There were two roads before their lordships: one of them was that old, venerable, and well known way, which had been struck out for them by their ancestors; in pursuing that they could encounter no dangers. The other was a way untrodden and dangerous, leading to innovations, the consequences of which no human foresight could reach. He was not prepared to rush heedlessly into a path leading to such desperate results, and would consequently oppose the motion for referring the petition to a committee.

Lord *Mulgrave* said, he differed from the noble viscount who had just sat down. With the best attention that he had been able to give the subject, he could not perceive the dangers asserted by his noble friends, nor could he discover what possible mischief would be likely to arise from admitting persons of property and education into a share in the legislation. Whenever restrictions were to be taken off, it was the duty of those who proposed their removal, to see that it was done with as little inconvenience as possible. As a friend to the principle of the petition, he lamented that the time for introducing it had not been more properly chosen. The introduction of it at present, he feared, would tend to excite religious distinctions, and ultimately to frustrate the great object of the petition. When those who brought it forward, did it without the least prospect of success, their conduct tended to throw it a greater distance than he, friend as he was to the measure, could wish. When he saw it brought forward improperly, and intemperately, he could not feel much inclination to give it that support that he would have done under a different situation of circumstances. Upon those principles he was disposed to resist it in the first instance. The principle of the petition was not the demand of the people of Ireland. Where were the petitions in favour of it? There were none. It was brought forward by a particular set of persons, for their sole advantage. If the catholics were to be led into political power, he saw no reason why that privilege should be restricted to the catholics of Ireland alone, whose situation under the constitution was much preferable to that of the English catholic. For these reasons, though a friend to the principle of the measure, he found himself under an obligation to oppose it at present.

Lord *Holland* said, that so much was he impressed with the importance of the subject now under discussion, that when he came into the house he felt anxious to state his sentiments upon it; but when he heard the speech of the noble baron who opened the debate, he conceived it would be unnecessary to trespass on the time of their lordships, as the noble baron seemed not only to have exhausted all the arguments in favour of his motion, but to have anticipated and refuted all the objections that could be made. Nevertheless arguments had been used, from the other side of the house, so extraordinary, that it was impossible they could have been anticipated; he therefore felt himself called upon to make some farther remarks on the doctrines of his noble friend, the secretary of state, who spoke first. His noble friend, however, and he, had been so little in the habit of agreeing on political subjects, that he trusted that their difference on this occasion would not, more than former differences, disturb their private sentiments of friendship and esteem. Indeed, if the doctrines laid down by the noble secretary of state and another noble lord were to be sanctioned by the house, they would be pregnant with calamity to Ireland, as there would then be no prospect of the removal of those grievances under which they laboured. He hoped, however, that the purport of what he meant to state would not be so totally misapprehended by the noble lords opposite, as the object of the petition had been misunderstood. The question was not, in the first instance, whether every thing which the catholics, or any other class of men to whom religious disqualifications applied, should be indulged with all they might claim, but whether the house would take the subject of the existing laws affecting the catholics, into consideration or not. The arguments of the noble secretary of state however, led him to expect that they would vote for taking the laws into consideration for a purpose very different from that which the petitioners wished. They had indulged such panegyrics, and passed such encomiums on those severe restraining laws under which the catholics had long groaned, that it seemed as if they must, in consistency, be desirous to re-enact them when they had been modified. And would the noble lords really call the periods when those laws had been enacted and enforced, periods of tranquillity? Had they contributed to banish division and discontent from the country? Was this the state of Ireland which history would justify? On the contrary, did we not see in those laws the cause of perpetual dissentions, and the means by which every discontent was apt to become rebellion dangerous to the state? The arguments against the motion were divided into two, those against the principle of repealing the restrictions on catholics; and those against the measure, not on its own account, but on account of the time. The noble secretary of state observed that, on a person coming into the house, and hearing the motion and the arguments in favour of it, he must imagine that it went to the repeal of the whole bill of rights, and act of settlement; and to erect the catholics into a complete ascendancy in the empire. The noble lord said too, that the repeal of the test act was a minor object compared with the claims of the catholic petition. But, was it a fair consequence to say, that because it was deemed prudent to place the catholics, in point of admission to power, on the same footing with protestant dissenters, it would be of consequence necessary to admit the protestant dissenters to some privileges they do not now enjoy? To do so might or might not be wise and expedient, but it by no means followed as a necessary consequence of granting the catholic claim. Surely it was a strange argument to say that the catholics must be kept under severe grievances, lest some other class with which the catholics have nothing in common, should ask something else. Those then who were for negativing the motion, must either do so as considering the code as to the catholics already what it ought to be, or that this was not the proper time. The noble baron, however, contended that all nations acted on the principle of tests. He forgot, nevertheless, that in this very house the principle of test was not pushed to the extent for which he argued, for there were persons admitted to sit in it who did not concur in the religious doctrines of the church establishment. Those persons might be liable to tests if they accepted offices, but they were not prevented from setting and voting in parliament, which the catholics now were. Besides, did the noble lord not perceive when he distinguished between the enjoyment of civil rights, and the enjoyment of political power, that the one was often nugatory without the other, and that political power was the only security for civil rights? Here then his argument, that toleration is complete, is defective. Could the noble lord look at the situation of Ireland, and not know that for want of political power to raise them from degradation; that for want of political power to render effectual the indulgences which the law has conceded, many of those indulgences were vain and useless, and until they obtained that share of political power, the rest would be merely nominal? He (lord Holland) had not of late been in a situation to hear much of the grievances of Ireland, but he could not but conclude that the privation of political power, was of itself a great hardship. One reason why the people of this country made great sacrifices with chearfulness was, that they loved the constitution in which they shared; but could it be expected that the Irish catholics, deprived of that share, could love the constitution so well, or be so zealous to sacrifice every thing in its defence? Besides, was it not perfectly well known that when the union took place the Irish catholics had the best reason to think that they in particular would be benefited in their political rights by that measure; and if their claims were rejected, by some too who had fostered those hopes, must they not be filled with indignation? Must they not feel that they had been deluded and abused? Must they not feel that they had not received that share of the constitution which was promised to them? Privileges of importance formerly denied, had gradually been conceded, but without others those would be fruitless. The catholics were not subjects on the same footing with others. They felt this. For instance, would it make no difference to the catholics to find that they were capable of being sheriffs; and was not the privation of such honours grating to the feelings and degrading to the character of a whole body so disqualified? There was another grievance too which operated not only against the catholics, but against the interest of the community at large. The disqualification to hold commands in the army and navy frequently drove men of talents, of courage, to serve in the forces of other nations, sometimes of our enemies. This he had an opportunity of seeing with his own eyes, and could it be doubted that this was a hardship on the catholic body, and a loss to the state? It surely was a most severe injustice that the catholics were deemed incapable of rank and distinction, in professions where rank and distinction were of such value as in the military? Was it no hardship, too, that the catholics of an inferior order were sometimes enlisted into corps, and afterwards not only deprived of the exercises of religion according to their own opinions, but obliged to attend places of protestant worship? Surely these were grievances, and severe ones, weighing down and oppressing every class of the catholics of Ireland. And was the object of the petition then one which it was fit to declare undeserving of consideration? It was surprising to hear the contrariety of objections urged to the measure.—One said that the catholics did not complain; another said they complained, too, the inference from whence was, that it would be in vain to attempt to conciliate people whom it was impossible to please. In corroboration of this, the authority of O'Connor and Dr. Mac Nevin was produced to shew that catholic emancipation would not satisfy the United Irishmen. But was the authority of those persons conclusive with the noble lords in every other part of Irish affairs? Did they believe that granting the wishes of a great part of the people of Ireland would not take out of the hands of those who wanted to separate the two countries, those instruments of misleading the people which they had used with success? It was only when they were brought to think that catholic emancipation and reform could not be obtained in a lawful manner, that many, at last, in despair, plunged from disappointment into treason and rebellion. It was said, that the present system of laws, including the restrictions and disqualifications of the catholics, was one of the outworks of the constitution, and ought to be maintained. But was not Ireland itself an outwork of this country; an outwork, too, which, if taken, would leave this country bare? Was it not then peculiarly necessary for the defence of this country to strengthen that outwork by conciliating the people by whom it is occupied? Much had been said of the share which the preservation of the church, and the hatred of the catholic religion, had done to promote the glorious revolution of 1688. But surely if it was merely because James II. was a papist that he was driven from the throne, the pride which the country felt in that event ought to be much diminished. Surely, however, it was the arbitrary principles of that monarch, as well as his religious bigotry, which provoked the indignation of this nation, and led to the revolution. It was their civil rights as well as their religious liberties which the nation rose to assert. It was stated, too, that if the laws against the catholics were repealed, that body would acquire great and dangerous power; nay, it was said, that they would become the state itself. Now, if there was any thing in the noble baron's opening speech more particularly unanswerable, it was that on which he demonstrated that, on the most exaggerated view of the increase of the catholics, it was impossible that, by the circumstance of their restoration to political rights, they could be a majority in that house. In fact, it was exceedingly probable that the number of them in the house would always be exceedingly small. Could there then be any ground for the fears of the insecurity of property, and the resumption of antient forfeitures, which were to result from this visionary future catholic ascendancy? Besides, was it to be expected that the catholics would always act with such steadiness and uniformity in a body, as that none of them would be subject to influence, and to the temptation of a place? At the time of the union with Scotland, dangers to the state were apprehended from the circumstance of the religion of that country being popular in its nature, that the representatives of that country would be apt to fall into the extremes of popular liberty. It had seldom occurred, however, that there had been any pretence to accuse the gentlemen from the north, of being inclined to run after theories of popular liberty, or stepping forward as tribunes of the people. In the most troublesome times, in the moments when the revolution of France had the greatest influence on the minds of men, our northern neighbours never distinguished themselves by falling into popular courses. In the same manner there seemed very little reason to apprehend that the catholics, from any supposed tendency of their religious opinions, would ever come to be formidable, either to church or state. What was said too, that if this were granted, something more would be asked, was an argument that might be equally applied to every other species of appeal for redress of grievances. But instead of refusing what the catholics now ask, it was a policy imposed on us by necessity, to conciliate them by a measure that would unite so large a portion of the empire zealously in its defence. It was stated against the petitioners, however, that they wished to be relieved from a test which only bound them to declare they were not traitors. But, surely, to call upon people to say so of themselves, was no very great compliment to them. On the contrary, it must be something very painful to their feelings, especially if such a test was imposed on them as a particular class. If all were equally obliged to such a test it would not be felt as a degradation by the catholics. As to the question of the time, it was stated, that there was no chance of the measure being carried at this moment. Upon what ground the noble lord made that assertion, he was at a loss to know. It surely could not be forgotten, that the same right hon. gent. who had retired from office, because he could not carry the catholic question, and who had stated that he never would return to office till he could, was again in power. And if this moment of war and difficulty be unseasonable, was not the moment when Mr. Pitt left office formerly, because he could not carry this question, equally a time of war and danger? Are not the enemies fleets at sea? Was not Ireland threatened with invasion, and was it not particularly called upon at the present moment to conciliate the inhabitants of that country? If the objection, that now the catholic claims should not be granted because the greatest part of catholic Europe was under the dominion of Bonaparte, were to prevail, there could be no prospect of its being removed during the continuance of the present ministry. But if it be true that Bonaparte has such an ascendancy over catholics, it would be an argument why we should do every thing in our power to conciliate our catholic fellow-subjects. The policy of king William always had been to practice toleration; and one of his strongest reasons for lamenting the severities to which catholics were made liable was, that it tended to augment the power of Louis XIVth. the head of the catholic body. The noble lord here read a passage from Bishop Burnet, illustrating this trait in king William's character. The conduct of our government, however, was directly the reverse. So far from giving the catholics a real toleration, when it was refused them, the policy of our ministers is to defeat the toleration allowed by law, and till political power was added, the catholics could never maintain what had been conceded to them, or rise above the degradation in which they had been held. Now was the time to shew the catholics that they could expect nothing from catholic powers, so advantageous, so satisfactory, as the liberality and justice of the British legislature could bestow. This would effectually prevent them lending ear to any suggestions which catholics, the enemies of this country, could propose to them. Besides, it ought not to be forgotten, that the situation of the catholics was the more irksome and disgusting that they were held in inferiority by their own countrymen; a situation that outraged the feelings more than subjection to strangers. It was time to put an end to this source of jealousy, and by admitting so important a part of the population of the empire to a full participation of the constitution, unite them sincerely in the interests of the country. In a word, if the laws against catholics were not repealed, it was impossible that things could continue in their present footing in Ireland. The history of that as well as of every other country, shewed that those who would not concede must coerce; and was it possible that during a struggle like this, while our foreign enemy was so aggrandized, that we could spare one part of the strength of the empire to keep in subjection another? That such was the alternative, every one who looked at the state of Ireland and of Europe must perceive. And was such a wretched and dangerous course to be preferred to the enlightened policy which would heal all discontents, and leave the whole strength and resources of the empire disposeable against the common enemy?

Earl *Camden* had been extremely anxious to offer himself to the house, and had attempted it at an earlier part of the debate, as he stood in a peculiar situation with respect to the question at present under consideration, upon which, before he proceeded further, he said, he should vote against the house going into the committee moved by the noble lord (Grenville). When he received his majesty's commands to repair to Ireland in the year 1795, and found the question of admitting catholics into the legislature of Ireland, he had thought it his duty to resist that measure to the utmost of his power, and had great satisfaction in thinking that he resisted it with success, as he conceived the measure would before the union have been attended with the greatest disadvantage, and even danger. When the union between Great Britain and Ireland was happily effected, he confessed he thought he saw a moment when the same objections did not exist, and indeed was of opinion that it would have been expedient, at least, to consider whether such alterations could not be made in that code of laws which imposes disabilities on different classes of his Majesty's subjects, with a view of entering into some general plan, as might, under proper provisions, admit every person complying with those provisions into all the privileges enjoyed by his Majesty's subjects in general, without endangering the present church establishment, and he thought that such participation should have been extended to other sects as well as to the catholics. His lordship expressed his opinion that such a measure might at the above period have been introduced with advantage, steps having previously been taken to conciliate the feelings of the learned professions, the law and the church: circumstances, however, took place, which induced Lord Camden to be convinced that it would not be expedient, at the time alluded to, to take steps even to ascertain if the measure were practicable, and of course that the measure itself could not be introduced with any chance of success. Such was the opinion of those who quitted his Majesty's service in 1801, and till the present moment it has not appeared that any of those persons have felt that the question could be brought forward with propriety; he was, therefore, yet to learn what there was in the present situation of affairs which could induce their lordships to consider the present an advantageous period for such a discussion. He was decidedly of opinion that in the present state of the feelings of the country, it was imprudent to agitate the question, for the sake of those very persons who are represented as desirous of having it brought forward. Although he did not see the danger in granting those privileges to the Catholics which some persons did, yet he was fully persuaded that they could not at the present moment be granted without creating great discontent amongst other classes of dissenters as well as the members of the established church. He therefore deprecated the discussion, but if it must proceed, he had made up his mind to oppose going into a committee, not only upon the grounds before stated, but also as objecting to doing so for any of those purposes, which the speech introducing the motion represented as belonging to the subject, but to which the words of the motion and the general character of the noble lord's (Grenville's) speech did not appear to lean.

The Bishop of *Durham.*—I have made more than one attempt to address myself to your lordships' notice at an earlier period of the debate. An advantage will result from my want of success, both to your lordships and myself; that I shall not, at this late hour, from the length of what I have to offer, either trespass too long on your lordships' patience, or exhaust my own strength. I shall avoid a repetition of those arguments which have already been urged with much ability by those lords who have delivered their opinions. If ever there was a subject, the consideration of which peculiarly and imperiously called for temperate discussion and dignified moderation, it is that of the petition, which has been presented to this house by certain noblemen and gentlemen of property in Ireland, on behalf of themselves and others professing the Roman catholic religion. After a period of religious difference and civil discord it is indeed of the utmost importance, that, in agitating a question like the present, we should be influenced by an increased anxiety to guard against every unfair or unfavourable impression from recent injuries, or internal discontents. It is essential that we should resolve to preserve inviolate and sacred the principles of the establishment, and to extend that toleration, forbearance, and Christian charity, which are its distinctive marks, to their utmost practicable limit.—Religious toleration, my lords, is the primary principle and peculiar characteristic of our established church. By the practice of it, we have been habituated to respect and revere even the errors of the conscientious Christian; and we have been enabled to preserve harmony and good will, not only between protestant sects, but between every denomination of Christians. Under these impressions, my lords, I have attentively perused this petition. I have endeavoured to discover what extension of personal toleration is asked, that can be consistent with our civil and religious establishment; I have not considered what they would have given to us, but what we could with safety give to them;—not what we might in justice have refused, but what we could in kindness have granted, as the offering of affection and good will. How far it has been our disposition to shew, not merely toleration, but real and active beneficence to persons differing from us in articles of faith, may have appeared by the reception and protection which this country has recently afforded to the French priests; where to religious prejudices was superadded political danger; and when we had no security against the introduction of spies and enemies; nor any reasonable assurance that there might not be individuals among them, desirous of purchasing their return on almost any conditions which the usurped power of the French government might think proper to dictate. In that instance we had also to encounter religious danger from the bigoted spirit of conversion, which characterizes their religion; from the unfavourable sentiments which they had nourished from their earliest infancy, with respect to English protestants; and from a peculiar species of domineering intolerance, which distinguishes the French from all other nations. And yet these considerations, my lords, did not deter us from receiving them with all the warm charity of Christians, and the liberality of Englishmen; exhibited not merely by the higher orders in the hour of plenty, but by the poor and necessitous at a period of general scarcity. If we could do so much, and do it so willingly, for foreigners and enemies, can it for a moment be supposed, that we are not prepared to shew every degree of warm and affectionate kindness to our friends and fellow subjects in Ireland; can it be imagined that we shall not be ready to forget every difference of opinion, and to endeavour to promote their happiness and improvement, to the utmost of our power? In looking to the welfare of the great mass of Roman catholics in Ireland, I mean that useful body of men which in every country must compose the most numerous class of its inhabitants, it will be wise and benevolent so to use the power which the constitution has placed in us, as a part of a protestant legislature, as to do for them individually all that (were the power in their hands) they would be wise in doing for themselves. In this view, my lords, it may be a subject for our consideration, how far we can better provide for the discharge of their religious duties, and how far we may with propriety assist them in that respect. We may inquire how far we can improve their temporal condition, by supplying the means and motives of industry, and by every exertion of kindness, which can promote their domestic comfort, improve their character, and meliorate their condition: and we may endeavour to make a more general provision for the education of their children; not interfering with their religious tenets, but attending to their instruction, to making them useful to themselves and to the community, and to giving them the unequivocal advantage of religious and moral habits. These, my lords, I looked to, as the objects of this petition. But what do I find in it? nothing in which the general mass of the Irish catholics is concerned; nothing that is connected with personal toleration; nothing that is to promote the social and domestic habits of the labouring class, or to improve their resources: nothing, my lords, that is to have a general operation in bettering the condition of our catholic fellow subjects in Ireland; or that is calculated to do more than to give certain privileges and influence to a very few opulent individuals among them. In short, my lords, this is not a petition for toleration, but a demand of power. It is a complaint, that the present system detaches from property its proportion of political weight and influence; and it asks of the legislature three things—the right of sitting in parliament; of exercising corporate offices; and of being subjected to the burthen of acting as sheriffs of counties:—The first, comprising the functions of legislation; the second, the privileges of corporate franchise; and the third, the important delegation of his Majesty's executive power, in every county of Ireland. These, my lords, are powers of no inconsiderable magnitude. But before we grant them, let us at least pause, until we have ascertained how far their effects may extend; and whether, after such a concession, we shall, or shall not, be able to obtain toleration for our protestant fellow subjects in Ireland. Let us pause, until we have well considered the guards, which the English constitution has placed over our established church; and, while we sedulously grant every reasonable indulgence to the scruples of the conscientious, let us keep inviolate the barriers of our religious and political constitution, and preserve that entire, which can only be preserved by its entirety. In the consideration of this subject, it will be necessary to advert to the superior number of papists in Ireland; to the peculiar powers which their clergy exercise over the laity; to the general connection of that clergy with a foreign power; and to the degraded and servile dependance of the head of their church, upon a state extremely inimical to this country. We must also advert to the irritation of recent hostilities; and not merely to the probable consequences to the Irish protestants, but also the danger to the catholics themselves; and, I may add, to the indelicacy, not to use a harsher term, of placing increased power in their hands, circumstanced and connected as they at present are. It will also be important that your lordships should consider the consequences, as to other sects; whether you can refuse to any Irish protestant, what you grant to every Irish catholic; and again, on what ground you can give to the Irish catholics, that which you withhold from the catholics in England; and where, and upon what principle the line is to be drawn. All this requires serious and mature deliberation. It must again and again be considered; and every possible effect and consequence weighed with the nicest and most attentive accuracy, and with the most patient continuance of labour, before a change so fundamental and unprecedented be adopted. For, my lords, if the bulwarks of our established church are in part removed, how will the other separated and insulated parts be protected? If while it is entire and connected, it is the object of attack; if we have even now to exert ourselves in its defence, and to rally round the citadel, to avert the danger which threatens it; what hope will remain to preserve it, in its broken and mutilated state? On these grounds, my lords, I conceive this petition to be inadmissible; and I feel myself compelled to reject it, from a sense of duty to the established church; which in my conscience I believe to be the best constituted church which the Christian world ever saw; from a sense of duty to that civil form of government, under which I bless God that I was born and live; and from a sense of duty to my country.

Lord *Redesdale* observed that the motion before the house was, in point of form, that the house should resolve into a committee, but the object of the noble mover evidently, and the prayer of the petition expressly was, that the catholics should be admitted to an equal participation of constitutional rights and power on equal terms with the protestants. If this were to be complied with, the constitution of church and state could not, in his judgment, long survive. The catholics professed also their anxiety to be relieved from all tests. This was insinuated in the petition, and it was the language publicly held by the members of that body in Ireland. The house should, in considering this question, recollect, and deeply reflect upon the situation of Ireland. If the demands in the petition were acceded to, the house could not suppose that the catholics would stop there. No, the catholic hierarchy looked for the domains and revenues of the established clergy, and those must follow the grant of those things for which they now applied. Nay, more, the house would feel it necessary to proceed further, the 5th article of the union must be repealed, and the catholic church established in Ireland, for without this he had no hope that the catholics would be contented, and tranquillity securely established. Until the hierarchy were in possession of that church property which they naturally and anxiously desired, they would not cease to excite discontent, and if they ever obtained that property, perhaps matters would not end there. It was, indeed, most probable that a total separation from this country would be the next object of pursuit. Apprehending such consequences from the proposed concessions, and he could assure the house that such was the prevailing apprehensions among the more intelligent protestants in Ireland, he must deprecate the proposition. The comparison made between the case of Scotland and that of Ireland, he felt to be quite unfounded—because the church of the Scotch was the establishment of the country, which remained in quiet obedience to the state of Great Britain, and in perfect harmony with this country. But that any thing like peace or quiet, or harmony, could exist in Ireland while the catholics were subject to such a hierarchy as the present, he thought utterly hopeless. Another difference arose from this, that Scotland was, even if she were hostile to the protestent establishment, by no means equal to Ireland in point of weight and importance in the empire. Besides, the comparisons made, alluded only to persons who sought for places of power and profit in England, and they, it was to be recollected, were obliged to take the sacrament to qualify themselves for such places. The Scotch, therefore, adverted to by the noble mover, became protestants before they were admitted to those high offices he had mentioned. Of course, there was this difference in the two cases—that the presbyterians of Scotland were not eligible to those high offices until they took those tests which the catholics claiming those offices refused to take. In the one case there was obviously no danger while in the other every thing was to be apprehended. He would put it to the house whether such a distinction in favour of the catholics would be consistent with common policy or justice—to require of one class of subjects a test of qualification, which another, claiming equal privileges, refused to subscribe. He would ask whether such a proceeding could be reconcileable with the principles of policy which governed our ancestors? Between the Roman catholic clergy and laity, the noble lord stated, that there was a very marked distinction. The clergy—they were to be considered in quite different points of view. The clergy formed a great compact body, standing in open defiance of the law—exercising an authority which the law did not sanction, and considering the protestant clergy as usurpers (here there were marks of disapprobation from the opposition benches). The noble lord resumed, and repeated his last assertion. In support of this assertion he would appeal to any noble lord who was acquainted with Ireland. The catholic clergy, he knew, denominated the learned prelate on the bench above him (the Archbishop of Armagh) simply Dr. Stuart. These clergy always called themselves the regular successors of the ancient bishops of the country. They took their titles, used their insignia, and assumed every thing appertaining to the prelacy that was not prohibited by law. In a petition once presented to the house of commons of Ireland, they put their signatures as regular bishops, and there was only one man in that assembly (Dr. Duigenan) who had the spirit to notice this gross and insulting violation of the law. Such was the state of the catholic hierarchy, that he must deprecate any increase of their power. They already possessed an authority of great extent—an authority too, enforced by the most dreadful means—that of excommunication. This excommunication was of such a nature that the poor victim whom it denounced, might starve in the street before any catholic would communicate with or relieve him. He knew, indeed, an instance where a poor person, who had been excommunicated would have actually starved, if it had not been for the benevolence of a protestant divine, who supplied him with subsistence. There was another instance of the exercise of this extraordinary power which had come to his knowledge. Two catholics were married by a protestant clergyman. This being heard of by the parish priest, he reported it to the bishop. The persons who had been married were immediately summoned to appear before the catholic vicar-general of the diocese, and the protestant clergyman, consulting the peace of his parish, and perhaps his own safety, with that of the parties summoned, advised them to submit to the summons. They accordingly waited on the vicar-general, expressed their contrition and readiness to make any submission in their power. But no, the vicar-general was inexorable, and this couple was excommunicated for having been married according to law. But this was not all, such as should have any communication with them, were to be excommunicated also. The man, however, being a person with whom many were in the habit of communicating, it was reported to the bishop, and above 200 persons, men and women, were from 20 miles distance summoned before the vicar-general. They accordingly obeyed, but somehow the vicar was so much appeased as not to impose the excommunication. He however inflicted a penance, which was, that each person should perform a pilgrimage of 30 miles: that is, from what are called Holy Wells, in Ireland, to another, each bearing a label, specifying the cause for which such penance was imposed. Things similar to this frequently happened in Ireland, and such was the fear they inspired, that the influence of the clergy was almost unbounded. They, in fact, assumed an authority much greater than belonged to the catholic clergy in any other country whatever; for their authority was restrained by no law. It was quite without controul. Before the reformation, the power of the catholics was not free from legislative restrictions. There was a remedy against the abuse of ecclesiastical power. But now what was the remedy? An appeal to Rome; and what kind of redress was to be obtained from such an appeal? If any persecuted catholics could or would resort to it, he would leave it to the house to judge. The catholic clergy dissolved marriages on various grounds, not recognized by our laws. They forbid marriages within certain limits of consanguinity, contrary to law. In fact, the legitimacy of children, and of course the succession to property, was made to depend in a great measure on their will. The noble lord proceeded to account for this by stating, that the reformation had never been perfect in Ireland, and that, consequently, the catholic hierarchy still retained extraordinary power. The imperfect progress of the reformation he illustrated by referring to the reigns of Elizabeth, James I. and the Protector. Until the latter period, the catholic bishops, &c. retained many of the ecclesiastical domains. Thus, in consequence of the slow progress of the reformation, the catholic hierarchy still retains a power without law—nay, contrary to law; and they tyrannize over the other catholics. As long as such a body remained in that country, he felt most forcibly that it would be absurd to expect tranquillity or contentment. There was nothing more remarkable, the noble lord said, than the difference between the catholics of England and Ireland. Having lived in a part of that part of the empire where there were many catholics, he was enabled to speak to this difference. In those parts of England where catholics are resident, if one saw a farmer distinguished for temperance, cleanliness, and industry, it generally turned out that he was a catholic; in Ireland it was directly the reverse. What could be the cause of this difference? He had asked an intelligent English catholic, and the reason stated was this, that catholic clergy in this country studied to promote peace; but those of Ireland found their account in pursuing an opposite course. So much was he persuaded of the justice of the remark, that the hierarchy was interested, and prone to excite disturbance, that he sincerely lamented that their abolition was necessary to secure peace. Nay more, he was thoroughly satisfied that such an abolition would be highly grateful to the better informed part of the catholics themselves, as it would be for the interest of the whole body. This would be the more readily admitted when he stated that peace and harmony was most to be found in the dioceses where there was no bishop, or where the bishop did not much meddle with the parish priests. That bishops were not essential, or desired by the catholic parish priests, was apparent from the case of Canada. There the priests complained of a bishop's having been sent among them, alleging that harmony prevailed among them until such an authority was placed over them. Having had communication with some intelligent, conscientious parish priests in Ireland, he had reason to know that the hierarchy in its present shape was not agreeable to the people, and was peculiarly disagreeable to the more informed part of the clergy. From those parish priests he learnt that they were afraid to be known to hold any communications with protestants, lest they should incur the censure of their bishops. Indeed this statement was confirmed by a circumstance with respect to Dr. Hussey. A few catholic servants in a protestant family were in the habit of joining in a certain prayer which involved no difference as to any doctrinal point. The practice, however, being reported to Dr. Hussey, he instantly forbid it, stating as a reason that, although there was nothing intrinsically objectionable in the prayer, "its being read by a heretic was sufficient." And this learned and liberal doctor, who was afterwards connected with that union, which had in view a separation from this country, issued orders to the parish priests of his diocese to guard against such a practice in future. With respect to the character of the higher orders of the Irish catholic laity, they were of two descriptions—the one possessed of landed property and old established rank—the other were in possession of property also, but were new men. The former were interested in the permanent peace of the country, and among this description of persons, the most distinguished perhaps was a noble lord, whose name was subscribed to the petition on the table (Earl Fingal); that noble lord was a man of good sense, loyalty and extreme moderation, when left to himself. But when he submitted to the advice of the hierarchy, his conduct bore a different appearance. It might be said, that what he had said tended to shew the propriety of going into the proposed committee. But, no; and for this reason, that the changes he recommended in the state of the catholics was not to be effected by legislation; it must come from the catholics themselves. That change produced, many concessions might be made to the catholic body, that it would, under the present circumstances, be extremely unsafe to agree to. Wherever religious establishment should be thought necessary, it was indispensable for its maintenance that political power should attach to it. On the same principle that those who had no property, were excluded from political power, should those who are hostile to the church establishment be excluded from the same description of power—namely, that in either case equal power might tempt to the assumption of an unfair claim of an equal division. That the protestant religion was always demeed essential to the maintenance of the constitution, by our ancestors, the noble lord quoted the case of the king of Sardinia, who was excluded from the throne expressly because he was a catholic. Recurring to the difference between the catholics of England and Ireland, arising from the different constitutions of the hierarchy, the noble lord cited the oath, which was, notwithstanding the objection of the apostolical vicar, subscribed by the catholics of England in 1778, while the same oath—namely, a test of allegiance to a protestant succession only, was refused by the catholics of Ireland. The acceptance of this oath in the one case, proceeded from the superior information of the men, and the refusal of it in the other from the superior influence of the bishops. Dr. Hussey wrote a pamphlet against this oath, arguing, that it would be monstrous to call on a catholic to swear, that he would not be faithful to a British sovereign, if that sovereign should happen to be of the same religion with himself, and this argument succeeded. The noble lord stated the means by which, in his judgment, the changes desired might be produced in Ireland. If the bible were translated into Irish, he was persuaded that very good effects would follow—that many catholics would be converted to the established church. The house would recollect the consequences that arose from the translation of the bible into the Welsh language. The protestant service being read in Ireland, in the English language, which numbers did not understand, was a great impediment to the conversion of catholics. They understood the Latin liturgy much better—having it from early education by note. The state of the church in Ireland was, besides, very bad. There were 2,400 parishes in Ireland, the benefices of which were reduced to 1,100; 500 of them only had fixed residences, the remaining 600 had no fixed residences: out of 2,400 parishes there were not many more than 1,000 churches. In many parts of Ireland there were excellent livings, very much sought after, which had neither church nor glebe-house. But if we were to set about ameliorating the condition of Ireland, the only way to do so effectually was to take proper means to propagate the doctrines of the protestant church, and if this were done, he had very little doubt that Ireland would soon wear a different appearance; provided another thing was also done—that of providing for the safety of such inhabitants as are protestants; for in a very large portion of Ireland there could hardly be said to exist such a person as a day labourer who was a protestant; no one person of that persuasion could expect to be otherwise than miserably treated by all his neighbours who were catholics. It was true he had the sanction of the law for his profession, but in Ireland the laws were not enforced as they ought to be; there were many and deplorable defects in Ireland in that particular; and they were chiefly owing to the power and influence of the catholic hierarchy. It was the interest of that hierarchy (and they pursued that interest) to create a spirit of animosity in the people of Ireland against the protestants; the consequence was that there existed among the mass of the people of Ireland, who were such catholics as he had stated, a general hatred against the English name; and an English government and tyranny, or an Englishman and an heretic, were with them synonimous terms; so that it was impossible, consistently with the safety of the protestants of Ireland, to grant the prayer of this petition. He would venture to say, that if the prayer of this petition were granted, the result would be, that except in part of the North of Ireland, and perhaps the capital of that country, no protestant would dare to live in it. This he had from information which could not be doubted; for a reverend prelate had told him that he could not keep one protestant servant, and much of this came under his own view. He knew that none of the protestant inhabitants of Dublin, who were parents, could get their children into the service of any considerable family, so that they were obliged to apprentice them out to handicrafts. Such was was the disposition of the catholics, for whom this extraordinary indulgence was now asked, that none of the protestant children could find employment in the service of any considerable family in Dublin, and this was the case generally all over Ireland. Nor was this all, for no day-labourer could find employment, unless he was a catholic. He considered this proposed measure of what was called relief to the catholics, as a measure so far from being likely to conciliate the people of Ireland, that it would have the effect, if agreed to, of driving out of Ireland all the protestants; for until the present hierarchy of Ireland should be in possession of all the ecclesiastical revenues of Ireland, it was not to be supposed that they would be contented, and having gone so far in asking, if they were successful, it was not to be supposed that they would not go further. In earlier days the catholic religion of Ireland might have been put on the same footing as that of England, and then the hatred to the protestants would not have subsisted as now it does; but they had proceeded on a wrong foundation, and had erred on the system of intolerance in their principles much further than the catholics of England had ever done; they could not now, at least on the sudden, be brought back from those errors into which their hierarchy had led them. We must consider the Roman catholics of Ireland as persons who refused to submit to those laws and principles of reformation which had transformed this country from a catholic to a protestant country. They were now disposed in Ireland to resist the laws in that particular, and would continue to do every thing in their power to do so. They must, therefore, be dealt with accordingly, and under such circumstances it would be the greatest madness to put into their hands more political power than they possessed already. He admitted that this was holding out a melancholy prospect, but that he could not help, for it was truth exacted it of him; and although there was much force in the expression, that we ought to pay attention to the feelings of the great body of the people of Ireland who were catholics, yet it did not follow that we were to abandon the interest, and indeed the safety, of the protestants of Ireland, at least until the Roman catholics of Ireland shall put themselves in a different situation from that in which they are at present: until they should know how, like the catholics of England, to ask their priests and teachers, will you permit us to take the same oath as the catholics of England, they could not fairly or safely be trusted with that which the catholics of England enjoyed.—When they should be permitted by their priests to take the oaths in like manner as the catholics of England did, they might be put in the same state of independence, they might then be worthy of the benefits they now seek; but as long as they remain slaves to the power to which they are at present slaves, his lordship said, he was of opinion they are not worthy of what is now asked in their behalf. He had a great deal more to say to their lordships upon this subject, but he felt that he had already trespassed too much upon their time, and he should, therefore, say no more upon this occasion.

The Duke of *Norfolk* rose to propose an adjournment.

Lord *Hawkesbury* said, he had no objection, provided it was understood the house should meet again the next day time enough to dispose of this question in the course of the evening; but if the adjournment was not proposed on these terms, he should feel it his duty to oppose it.

The Duke of *Norfolk* again submitted to the house the propriety of adjourning, without coming to any terms of compromise as to the time the subject should take up in future discussion, or the time when that discussion should be renewed. (Here there was a great cry of go on! go on! go on!)

The *Lord Chancellor* said, that if the adjournment was carried, their lordships would understand that they should meet at an hour sufficiently early to go through with the whole before twelve at night, or decency would require another adjournment.

Lord *Hawkesbury* declared, that unless the motion for adjournment specified the hour at which the debate was to be resumed, instead of leaving that point indefinite, he should be under the necessity of opposing the adjournment.

The Duke of *Norfolk* thought that the regular way would be to put the question of adjournment generally in the first instance; if that was carried, it would be competent to any noble lord to move that it be resumed at any hour he might think fit.—(A great cry of go on! go on! go on!)—The question was put by the lord Chancellor for the adjournment, and from the voices, the non-contents were declared to have it, and the house was about to proceed to a division, but did not divide. The debate was then resumed, and

The Earl of *Limerick* rose and spoke as follows:—My lords, exhausted by the excessive heat of the house, and by the very late hour to which the debate has been protracted, I own I regret that the proposed adjournment did not take place. Your lordships, however, will derive one advantage from my wearied state of mind and body, that I am totally unable to trespass for any length of time on your patience. I protest, with the utmost sincerity, that I was desirous to reconcile it to my feelings to give my vote on the present question, without addressing your lordships. The subject under consideration is one, to a person who thinks as I do, highly unpleasant to discuss, and to an Irishman, for many reasons not necessary to allude to now, it is one of peculiar awkwardness; I could not, however, satisfy myself to remain behind the shield of silence, lest my doing so should be construed into timidity or want of decision.—From much of what has fallen from several noble lords who have spoken in this debate, I am almost led to imagine that I have passed the greater part of my life in a dream; that Ireland, where I was born, and where I resided so many years, was not the kind of country I had considered it to be, and that all that had there passed before my eyes was merely a vision. The noble baron who opened the debate was pleased, in the beginning of his speech, to state, that the petitioners had suffered from party violence and party prejudice. I own I am at a loss to understand what the noble lord means; does he mean that the petitioners have suffered such violence and prejudice from their own parliament, now no more? If he does, I, having been a member of that parliament for many years, cannot help stating that the noble lord has so far been grossly misinformed: I am persuaded, from his known candour, that he would not have made such an assertion, had he not been strongly assured of its truth. What, my lords, do the Irish catholics mean to say that they have suffered from party violence and party prejudice from their own parliament? Turn over the volumes of the acts of that parliament since the year 1782, and you will in them find one continued chain of indulgences, relaxations, grants of privileges, and admission of political rights, till at last little indeed was left to bestow. This assertion of suffering from party, however, explains a circumstance in the late transactions, which, I acknowledge, has considerably puzzled me. I was at a loss to conceive why Englishmen, almost unacquainted with Ireland, were selected by the Irish catholics to present their petition, passing by all their countrymen in both houses of parliament. Were there no two of them on whom they could rely, or from whose party prejudice and violence they had not suffered? — With great respect to the noble lords who have spoken, I cannot help thinking that much of what has fallen from them might well have been omitted. What was the necessity of painting the wretched and degraded state of Ireland during the long and gloomy period it suffered under the lash of the penal and restricting statutes? That time, thank God, has long passed away, and I think it would be more consonant to that temper and moderation which the noble baron who opened the debate made a profession of, and which the noble lord who sits near him appeared to me somewhat to depart from, had this part of the subject not been brought forward.—I will not follow the noble lord through the different objections he stated as likely to be made to his measure, because, I have not heard them made by any noble lord on this side of the house. Who has stated the principles of modern enlightened catholics to be those entertained in the times of the first councils, or in the dark and corrupt ages of the Roman church? — Who has stated the Irish catholics to be irreclaimable traitors, and therefore unfit to participate in the privileges and distinctions of the constitution?—I have not heard any thing of the kind fall from the lips of any noble lord; if there had, I should have been one of the first to contradict it. In truth, my lords, I cannot help thinking, with great respect be it said to the noble lord, that much of his lordship's speech was consumed in conjuring up phantoms for himself to buffet.—I will not enter into the abstract question whether it be safe to remove at once all those guards and barriers which our ancestors thought essentially necessary for the preservation of our constitution in church and state. I do not think it necessary to declare an opinion, that the enlightened catholics of the present day do not entertain those principles of persecution of persons of a different faith, and of want of regard to oaths made to heretics, which had formerly made them objects of distrust and apprehension to protestant states; it would be idle to do so; nobody now entertains any such opinions. — I am well acquainted with many of the subscribers to the catholic petition, and I assert with confidence, that they are not excelled in character, in loyalty to their prince, and in attachment to the constitution, by any the most distinguished of the protestants. The noble lord (the earl of Fingall) whose name stands second on the list, is one of the best and most distinguished characters the united kingdom can boast of.—I mean to confine myself merely to this part of the subject, namely, whether this be the fittest time to bring the petition before parliament? The noble baron asserts it is, and at the same time declares, that he esteems the moments he presented it and argued on its merits as the happiest of his life. I differ here from the noble lord; our opinions are far as the poles asunder. What, my lords, this the fittest time to agitate a question which rouses every passion, and calls into action every civil and religious prejudice; this the fittest time, when the united kingdom is assailed on all sides by the most formidable enemies, and when, at the moment that I am speaking, French emissaries are traversing Ireland in every direction, announcing an immediate invasion of that island, and promising to those who shall join them the establishment of their religion, and the property of those lands which they now hold as farmers?—But the noble lord says, that any evils that may arise will be ascribable to those who reject the petition, not to those who bring it forward; that greater evils would have arisen from refusing to present the petition than any that can flow from agitating the subject; that the catholics called eagerly for its presentation. I lament I must again differ from the noble baron; I have some knowledge of that conntry, and, from every information I have been able to obtain, I decidedly assert, that the catholics were not anxious to agitate the subject now; that they did not think the time opportune, or that they were now likely to obtain their objects. If my information is accurate, I believe it will be found that all the eagerness to agitate the subject was on this side of the water, and that the catholics were goaded on by representations from hence to bring forward their petition. I do not accuse the noble lord of being the person that spurred on the catholics. I know his public spirit and character too well to suspect, for an instant, that he would lend his great and distinguished name to so mischievous a measure. He knows that country too well, from his former high station, to hazard such a measure at this moment. I have not, however, the same good opinion of others: I do believe that there are men so desperate as to value at nought a general convulsion, if they can worry a minister by bringing forward a subject, in the discussion of which they conceive he may be embarrassed by former declarations. Why is our country to be made the arena on which contending parties are to wage war against each other? Oh my unfortunate country! are you never to be at rest? I conjure the agitators of this measure to reflect ere it be too late: stir not a fire that is smothered, but not extinguished; the slightest spark may kindle into a blaze. Is it not sufficient that, in the short space of nine years, my poor country has been racked by conspiracies, disgraced by every crime contained in the roll of human wickedness, affrighted by invasions, and shaken to the very centre by civil and religious distractions? Is it not enough that we have sacrificed our pride as an independent nation, and our importance and influence as individuals, to procure, if possible, for our distracted land, the blessings of peace and security? We embraced an union to protect us from ourselves; make not what we considered and hoped would prove a measure of safety, make it not, I say, a measure of mischief and disquiet.—But the noble baron says, that the union is no union without this measure; that without it we shall break faith with the catholics, who were induced to support the union by the expectations held out to them of the success of this measure; that indeed the government made them no promises, but that all of us who supported the union, led them to entertain such hopes. I acknowledge that I did say to my catholic friends, that they would have a better chance of success hereafter from an imperial than from an Irish parliament; that an Irish parliament could never grant with safety what the united parliament might hereafter bestow. But I certainly held out to them no expectation of an early attainment of their wishes. I am not, my lords, one of those who think that in no time, under no change of circumstances, this measure ought to be granted; that the settlement of 1793 should be our ne plus ultra, that here we ought to make our stand. I profess not to understand what a ne plus ultra in politics means. Sure I am that no such principle is countenanced in the practice of our constitutions; its principle is to change as circumstances and times demand alteration. I trust and hope that a time may arrive when distrusts and animosities may die away, when the two parties may meet half way, and when religious distinctions may no longer disturb the state.—But, says the noble lord, grant the prayer of this petition and you will at once do away all pretext for disturbance, and you will at once become an united and a happy people. I have the misfortune again to differ from the noble lord. I do solemnly declare, that I do not think that, by granting the prayer of this petition to its fullest extent, you will advance one single step towards the tranquillisation of Ireland. His lordship will not, I am sure, contend that it is necessary to bribe the catholic noblemen and gentlemen into loyalty, and as to the common people, I am persuaded it would not gain over a single peasant now tainted with disloyalty, and ready, at a moment, to join a French invader. No, my lords, seats in parliament and admission to the highest offices in the state form no part of the wishes of the Irish peasantry; were you to talk to them on the subject, they would not understand you. If you wish to conciliate those now inclined to join the French, I will tell you what you must do; you are the best judges whether you are willing to pay so high a price for their allegiance. Are you ready to sacrifice the national church by giving up the means by which it is subsisted? Are you ready to sink your revenue, by giving up all taxes upon spirituous liquors? and, last of all, are you ready to sacrifice the whole protestant and respectable catholic property of the country, by the abolition of rents, and the perpetual grant of their farms, to the present occupants? Such are the terms, I know, have been lately offered to the Irish peasantry by French emissaries, and if you mean to bid against them with any chance of success, you must not be outdone in the magnificence of your offers.—But the noble baron says, refuse the request of the petitioners, and you give a handle to the disaffected to work on the passions of the multitude. I agree with the noble baron, it will do so; and this, my lords, is the great objection to the stirring the present subject. If granted, it will not obtain your object, namely, the tranquillity of Ireland; if refused, it may and probably will do much mischief. The bringing forward the petition can do no good; it may do much harm. What is the reason of bringing forward the petition at this moment? Why did not the noble lord bring it forward in 1801? I give him credit for not doing so; the country was in danger; it was no time to agitate a question that might create divisions and animosities. Why, if essential to the well-being of the state, was it not brought forward during the interval of peace? Will it be answered that the public opinion was then against it? Has that opinion since changed? I firmly believe it still remains unaltered.—The noble lord says, the rebellion of 1798 was not a catholic rebellion, and therefore no impediment to the concession demanded. I have not heard any one state that rebellion to have been a catholic rebellion; many of its leaders were protestants, or professed to be so. The present general of division in the service of his imperial and royal majesty the emperor of France and king of Italy, was ordained a deacon of the established church of Ireland by the father of the individual who has now the honour to address you. Others, like Emmett, were professed protestants, but were real disciples of the modern French school both in religion and in politics. I had the honour to be one of the secret committee of the house of lords of Ireland, before which those gentlemen made their confessions of treason. When asked, whether the establishment of the catholic religion was one of their principal objects, they smiled and said, that such an idea never once entered into their heads; that they certainly made use of the pretext of the catholic religion, and of fanatical priests, as the best fire-brands to throw among the people to rouse them to rebellion; that their objects were the establishment of a republic independent of Great-Britain, and connected with, but not dependant upon France. A great proportion of the people in three of the provinces being catholics, of course the rebel ranks were filled with men of that persuasion.—The noble lord is wrong in stating, that where the rebel armies were strongest, it was in counties altogether catholic. The county of Wexford possessed great numbers of protestants, yet it was there the rebel troops were in the greatest force; it was there the greatest enormities were committed; it was there I witnessed catholic priests bearing in their hands the sacred banner of the cross, the emblem of the mildest of religions; it was there I saw them lead the infuriated rabble to pillage, to destruction of property, and to the murder of the aged, the infirm, women, children, in short, what was most distinguished, what was lowest in the community. I will not shock your lordships' ears by the disgusting recital. But the noble lord says it arose out of the unhappy circumstances of the country. I profess I do not understand what the noble lord means; but if he wishes to convey the idea that the rebellion was produced by any oppression of the people, I must beg leave, with great respect to him, positively to deny it.—But the noble baron says, that the influence of the pope over the priesthood can be no objection; he asks, do we think the pope is more hostile to us now than in those times in which we were at war with the Bourbon family? I certainly do not think he is. On the contrary, he cannot but wish well to any nation that opposes Gallic tyranny. But I think, nay I am certain, that the pope is the miserable puppet of the usurper of the throne of the Bourbons; that he dare not move but by Napoleon's command; and, should he order him to influence the Irish priests to rouse their flocks to rebellion, he could not refuse to obey the despot. I ground this opinion upon his holiness being forced to anoint the usurper of the throne of the eldest sons of the church, from whose family she had derived most of her possessions. I ground this opinion upon the unfortunate old man being obliged to call upon the very respectable French bishops in this country, who had left all for conscience sake, to forget the solemn oaths they had sworn to the princes of the Bourbon race, and to take others to support tyranny and usurpation.—But the noble baron says, that if you admit catholics to seats in parliament, their numbers in both houses must ever be so small, that no danger can possibly occur to our present establishments: I agree with the noble lord, that as long as there is a protestant king on the throne, there is little danger that any danger can accrue from their numbers in this house; but I positively assert, that, in the other house, it is possible that their numbers might be considerable. The present representation of Ireland is almost altogether sent to parliament by popular elections. Since the right of voting has been granted to catholics, the manufacture of freeholders has thriven so rapidly, that there is now scarcely a peasant who does not swear himself possessed of a forty shilling freehold. The numbers of the catholics has been allowed by all sides.—It will be conceded to me, I am persuaded, that the catholics have hitherto acted in a body: why have they done so? Because they had common objects. The same causes will probably produce the same effects: if catholics get admission to seats in parliament, it is possible that, in some time hereafter, they may wish to obtain some great catholic object. What is to prevent their leaders from pressing upon the lower orders the necessity of electing catholics only, and, if they succeed to a considerable degree, it is natural to suppose that, having a common object, they will act together in parliament? I will suppose a case that certainly does not exist at present; I will suppose that, at some distant day, a struggle of parties may take place, that the parties may be pretty nearly balanced; what if then the catholic representation, acting in a mass, should offer their assistance to that party which should favour their views? Ministers may wish to cling to their situations; opposition per fas aut nefas to obtain them. I am apprehensive, as long as human nature remains unchanged, that the resistance to their wishes would not be very strong.—The noble baron (lord Holland) says, that for want of catholic sheriffs, catholics do not in many instances enjoy the benefits of the trial by jury. I never heard that juries failed in doing their duty, without distinction of party, except when they have been deterred by the terrors of assassination. That noble lord says they suffer hardships from being excluded from the army. They are only excluded from the commissions of commanders in chief and generals on the staff. His lordship, however, now says that I am mistaken; that when they come into this part of the united kingdom, they are liable to penalties for serving. I beg leave to differ from his lordship. By the law passed previous to the union, they are allowed to enter into the army, and by the union all acts not then repealed are confirmed and sanctioned. But the noble lord says, that four millions of people neither can, nor will, nor ought, to submit to such restrictions. I entreat the noble lord to pause before he gives the weight of his authority to such an opinion. What, that because they are numerous they ought to resist the law? I am sure on reflection his lordship will not adhere to such an opinion.—I had nearly forgotten a principal point I had intended to press on your lordship's attention. Both sides of the house, in considering this question, seem to me to have forgotten that the catholics are not the only body to be consulted on this occasion. Are the feelings of the Irish protestants wholly to be left out of consideration? I believe they are almost entirely adverse to the concession. Respect, I entreat you, the feelings of that body, ever true to their religion, faithful to their king, and enthusiastically attached to British connexion. Descended from yourselves, in fighting valiantly their own battles, they have served your interests, and have prevented by their exertions that fair and beautiful island from being torn from the British empire. In seeking new friends, whom possibly you may fail to conciliate, neglect not your old ones, but remain firm to those who have in the worst of times remained firm to you.—I beg pardon for having so long detained your lordships, and for having, from excessive fatigue, laid my thoughts before you in a manner less connected than I wished to have done. I shall oppose the motion for going into a committee on the petition.

Lord *Carysfort* considered the question of immense magnitude and importance. He had a great deal to submit to their lordships upon it, but thought the hour too late for that purpose, and therefore suggested the propriety of an adjournment.

The Marquis of *Buckingham* was in the same predicament as the noble lord who had just spoken, having also much to say to their lordships if there was a seasonable opportunity for that purpose.

Lord *Grenville* submitted to the house the propriety of not proceeding further the present evening.

Earl *Darnley* wished to address the house also, but thought it too late. He appealed to noble lords opposite to him, whether there was not an understanding before the debate commenced that there was to be an adjournment?

Lord *Hawkesbury* explained the terms on which he had been willing to adjourn the discussion, but the house would now judge for itself, for he would not urge any thing further on the subject, the hour being so late, and so many noble lords desirous of delivering their sentiments on this most important occasion.

The Earl of *Derby* then moved, "that this house do now adjourn to Monday next;" which, after a few words in support of it, was agreed to.—Adjourned at four o'clock on Saturday morning.

HOUSE OF COMMNOS.

Friday, May 10.

[MINUTES.] A petition of the mayor, aldermen, recorder, freemen, and inhabitants, of the borough of Saint Alban, in the county of Hertford, was presented to the house by Mr. Poyntz, and read; setting forth, "That the petitioners beg leave to congratulate the house, and express their heartfelt satisfaction, at the resolutions which passed on the 8th and 10th of April last, respecting the tenth report of the commissioners of naval enquiry, and pray the house to pursue such measures as they may think just for effectually exposing, and bringing to punishment all public peculators and delinquents, and for securing in future the treasure of the nation from similar depredations: and although the petitioners most sincerely deplore the complicated difficulties of the present conjuncture, yet they confidently rely on the wisdom of parliament for relief."—Mr. F. Fane moved, that sir William Rawlins and Robert Albion Cox, Esq. should be brought to the bar for the purpose of being reprimanded and discharged. They were accordingly put to the bar; whereupon Mr. Speaker addressed them as follows: "Sir William Rawlins and Robert Albion Cox; your conduct having undergone the severe but just animadversion of this house, followed by a sentence of ignominious imprisonment, it is fit to be understood by you, and by all men, what this house has considered to be the character of your offence, and upon what grounds you are this day to be liberated. The sum of your offence is this: that you, being the sheriff and returning officer, did, at an election for the county of Middlesex, for the purpose of giving a colourable majority to one candidate in prejudice of another, wilfully, knowingly, and corruptly admit fictitious votes upon the poll; that your inconsistent and contradictory practices afforded the greatest encouragement to perjury; and that you refused to examine the validity of votes by reference to the land-tax assessments, in defiance of the laws of your country.—Graver offences than these cannot be laid to the charge of any men holding the high office with which you were then invested; an office to which you were raised by the free choice of your fellow citizens in the metropolis of this empire, and of which office you betrayed the most important duties; violating at once the freedom of elections, the privileges of this house, and the just constitution of parliaments.—Upon these charges, established by ample and conclusive evidence, you were committed to his majesty's gaol of Newgate, the common receptacle of malefactors, there to remain prisoners, amongst those over whom you had been magistrates; a signal proof of the power and the justice of this house, an indelible disgrace upon you, and a memorable example to others.—Nevertheless, it appearing now, by your petition, that your minds have been humbled to a due sense of your misconduct, and that your errors may be in some degree imputed to the ignorant or criminal advice under which you unfortunately acted, this house is willing to believe that the ends of justice are at length satisfied; it has therefore consented that you be now discharged. And you are discharged accordingly; paying your fees."—Ordered, on the motion of Lord Marsham, that Mr. Speaker's reprimand be entered on the journals.—Mr. Leycester informed the house, that the house of lords had been waited on with its message, requiring the attendance of lord Harrowby to give evidence before the select committee, to which their lordships replied, they would send an answer by messengers of their own.—The house then proceeded to ballot for a select committee, to enquire into the several papers presented to the house respecting the repairs of the Romney and La Sensible, whilst under command of sir Home Popham in the Red Sea.

—A committee was appointed to examine on whom the ballot had fallen, according to the lists put in the glasses.

[STATE OF THE NAVY.] Mr. *Jeffery* said, he rose in pursuance of the notice he had given, to have the honour of submitting to the house a motion for the production of several accounts relating to the naval department of the country, during the administration of earl St. Vincent. Having read the motions on a former night to the house, and being of opinion that some time should be taken to deliberate on their contents, he now rose to submit his motions to the consideration of parliament. He was persuaded when the accounts were laid upon the table, and perused by the members, that he would be borne out in the view which he had taken of the subject, and the intention for which the accounts were brought forward. He would not trouble the house with any further observations until he heard whether his motions were opposed, or met with the approbation of the house. He therefore should move, "That there be laid before the house an account, shewing the number of line-of-battle ships and frigates built between the 1st January, 1783, and 31st December, 1792, distinguishing the number of ships launched from the merchants' yards, from those launched from the king's yards."

The *Chancellor of the Exchequer* said, he had no objection to the motion now offered; but as those which were to follow were very voluminous, he wished to have it understood, that he must oppose the production of any papers tending to shew the state and condition of the ships in 1804, as it might afford improper information to the enemy. He should also object to the production of any correspondence explaining the state of British and foreign timber, as it might disclose the foreign resources of the navy, and thereby perhaps enable the enemy to embarrass them.

Sir *John Sinclair* entertained great doubts with respect to the propriety of bringing forward the long list of motions which the hon. gent. stated on a former night, as they embraced almost every branch of the naval service of the country. He submitted if, at this late period of the session, it were adviseable; and he would be glad to know from any gentleman conversant with the official business of the board of admiralty, if these accounts could be prepared without distracting its attention from the other important concerns, in which, at this conjuncture, they are engaged. He understood, if these motions were agreed to, the friends of earl St. Vincent would move for other papers, which would still embarrass the public business. He was desirous to be informed, if, at any crisis like the present, the lords of the admiralty could peruse the voluminous accounts moved for by the hon. member, without material injury to the public service in the present state of the country? He was of opinion, that the preparing the accounts would be attended with manifest inconvenience, and would answer no good purpose whatever.

Mr. *Jeffery* considered the observations of the hon. baronet premature, as he could not know whether the accounts would lead to enquiry or not. He would not contend, if any thing criminal occurred in the administration of lord St. Vincent, it should be passed over, and that an enquiry into his conduct ought not to be instituted. He declared, on his honour, that he did not act through party motives, he was an unconnected individual, not belonging to any man or set of men; his conduct arose from his feelings for the situation of the country, and his knowledge where the faults were imputable, with respect to the administration of earl St. Vincent. The reduced state of the navy he attributed to the noble lord, and if enquiry was to be dispensed with the present session, he knew the difficulty of obtaining enquiry hereafter. He knew he had undertaken an herculean task in the first instance, but he had cogent, ample, and sufficient reasons for bringing the measure before the house. He trusted that no member would object to his motions, that parliament might decide whether enquiry was or was not necessary. He moreover trusted that no gentleman would be against the production of the papers, until they knew what they contained. They were neither as voluminous nor as intricate as some members might imagine; and he pledged himself that they could be produced in a week or ten days, without giving any extraordinary trouble to the lords of the admiralty in perusing their contents. He thought them absolutely necessary to be produced, as he would take upon him to prove, that lord St. Vincent had disgraced the British navy, and was the greatest enemy to the country and the navy of Great-Britain that the country ever knew.

Mr. *Tierney* said, he was far from opposing the motion now before the house, especially as the hon. gent. had put it out of his power to do so, by declaring that the noble and gallant earl had disgraced the British navy, and was the greatest enemy to the country that the country ever knew. If the hon. gent. said all this from his own suggestion, it was a pity that he was not a lord of the admiralty, by which he might have obtained greater information than he probably now possessed. The lights, however, which he professed to have obtained, and the decisive line of conduct he had adopted, were rather strange in an independent country gentleman, professing himself to be unconnected with any party. It was equally strange too, that no attack whatever had been made against earl St. Vincent until he adopted measures which tended to attack others. The proceedings of this day were certainly a good warning to any man to be very careful how he ventured to attack abuses. If the hon. gent. had indeed been a party man, instead of an unconnected gentleman, as he described himself, he might have been suspected of having taken a very dexterous way to divert the attention of the house from the other enquiries already going forward; but he could not consider it altogether fair in this unconnected man to assert that he could prove earl St. Vincent to have disgraced the navy, and have been an enemy to his country. After he had heard the minister himself object to some of those papers which might turn out to be the most necessary for the noble earl's defence; let the fair and full enquiry be granted; and if any of the papers required should appear of too delicate a nature to be made public, let the enquiry be a secret one. At the present moment, indeed, the friends of the earl St. Vincent did not appear to be very numerous in that house; nor were they much wanting to a man who might safely rest his character on the sentiments of a grateful and affectionate people. Whatever that unconnected gentleman might think himself, he fancied he would not find it an easy task to convince the people of England that the earl St. Vincent was the enemy of his country. He thought he had a right to expect, that the right hon. gent. (Mr. Pitt) himself would have given some favourable opinion of at least the professional merits of the noble earl, when he heard his character arraigned in such a manner, by this unconnected individual. When he heard so illustrious a character reviled, without any appeal to former friendship, to extend towards it the protection of his own opinion, was no more than what was due from one great man in a high situation to another. They differed indeed in their opinions, on the best means of naval administration; but he should not have thought that a reason why he should so abandon him in every other respect. A fair and manly hostility to the noble earl, like that of the unconnected individual, would, in his opinion, be more becoming in the right hon. gent. than the grant of papers, professing to brand the noble earl in the manner expressed by his present adversary. This was not a charge that respected any particular expedition, or partial failure, but a broad accusation, which ought either to be sifted to the bottom, or all documents be refused upon it. When the hon. accuser seemed to doubt whether these papers might in the result, tend to an enquiry, he must have had a most extravagant opinion of his own motion, to think it would be sufficient of itself for condemnation. For his own part, he was of a very different opinion, and wished, in conclusion, distinctly to state on the part of earl St. Vincent, that all his lordship looked for was a full and fair enquiry.

The *Chancellor of the Exchequer* said, he did not see why the right hon. gent. should rest his observations particularly on him, as he, no more than any other member, could judge whether the papers might endure an enquiry, until he could examine the nature of them all. When this motion was first noticed, it seemed to be the general wish, on all sides, that the papers should be granted, and he alone wished for a delay, which led him, as he stated before, to object to two of them, as inconsistent with the public safety; but, he could not foresee the effect of the remainder. If the house examined the speech of the right hon. gent. (Mr. Tierney), they would observe it to consist of alternate sentences: the one tending to court, and the other to suppress enquiry. As to what had been alluded to of protection, he had only to say, that he should be always ready to protect earl St. Vincent, or any other man, against injustice. The remembrance he had of the great professional services of the noble earl would be a sufficient restraint against any hostility on his part towards him; but, he had long since expressed his opinion of his conduct in the admiralty, and he had not yet seen any reason to retract it. The past professional merits of the noble earl, however great, were not sufficient grounds to defend the faults in his administration. For his own part, he declared that he had no wish for, nor did he intend to submit, any enquiry into the conduct of the noble earl; but, when that enquiry was challenged by his friends, he should not be doing his duty either to himself or to the country, were he to take any measures to suppress it.

Mr. *Jeffery* declared that his conduct did not spring from any party connection, but, from the impulse of the moment. He had no communication on the subject of his motions with the minister, or any other person; and, when the right hon. gent. (Mr. Tierney) asked him this day in private whether they were to be carried, he candidly answered him that he did not know.

Mr. *Grey* reprobated, in the most forcible language, the mode in which this subject was brought forward. An hon. member moved for the production of a number of papers, which he said possibly might not authorise enquiry, and yet in the introduction to his motion he made use of the strongest language which could be applied to any case, even after a charge of improper conduct was established upon proof before the house. All that he could understand by the expression of his right hon. friend (Mr. Tierney), by the word "protection" was, that it meant to signify fairness, though in fact, he was sorry the word had been used at all. The fairness he claimed on the part of the earl St. Vincent was, that whatever objections there might be in point of convenience, all the papers should be produced, which might be necessary for the enquiry. The hon. gent. (Mr. Jeffery) seemed surprised, that any gentleman should oppose the papers, without knowing what they were; but he forgot, that when the papers should be produced, it would be too late to oppose them. He acted, in this respect, like the judge, who was reported to have told a barrister from the bench—"I will not allow you to open your mouth, until you tell me what you have to say." As to the right hon. gent. (Mr. Pitt), he must do him the justice to say, that he acted consistently, and he had uniformly expressed himself hostile to the naval administration of the earl St. Vincent.

Mr. *Tierney* explained. He said, what he meant by protection was, that ministers should not, at this late period of the session, suffer such motions to be brought forward, and had no reference in his observation to the particular friends of the noble earl.

Mr. *Wilberforce* agreed with the right hon. the chancellor of the exchequer, that the gratitude due to earl St. Vincent's professional character, should not be a bar to the consideration of his official conduct. The accounts should comprise the administration of lord Chatham, when the navy was placed in the condition which laid the foundation of its future glory; and even the administration of lord Sandwich, when it had received a great addition. He thought the motion could not be considered as hostile to earl St. Vincent, but rather as directed to obtain information highly material to the public interest. He condemned the contemptuous language with which a right hon. gent. (Mr. Tierney) had spoken of individuals connected with no party. He was jealous on this point, as he was aware he himself would be frequently classed with this description of members. If it appeared that the ships were not so numerous in lord St. Vincent's administration as those before it, and that the short and feverish peace we had enjoyed was not employed to prepare for a war that must have been easily foreseen, it was fit the blame should be cast where it ought to be; he alluded also to the mischief of interfering with the authority of captains of ships, as the depreciation of the respect paid to them might lead to the alarming state of things in the navy which every one remembered with so much pain. He then pronounced the highest panegyric on the virtues, talents, and other excellent qualifications of lord Barham, the present first lord of the admirality. It was, he understood, the fashion of some gentlemen, to represent his great qualities as chilled by the influence of years; but from the opportunities he had of judging, he must declare him to be, in his opinion, the man of all others, the best qualified for his situation.

Mr. *Pytches* here called the hon. gent. to order: thinking such high panegyrics on the new first lord of the admiralty, were by no means relevant to the present motion.

Mr. *Wilberforce* thought himself perfectly in order, when it was considered that lord Barham was comptroller of the navy under two of the administrations to which these motions referred.

Mr. *Curwen* thought, that after earl St. Vincent had been acquitted of all charges in the last session, when the right hon. gent. (Mr. Pitt) moved for papers to criminate him, it would, at least, have been decent to abstain from any harsh expression towards him, until the papers now moved for should be properly examined. The language used by the hon mover appeared to him much too strong to be lightly applied to so good and exalted a character; and he thought the panegyric on Lord Barham the more unnecessary in this debate, as not a single reflexion had been cast upon him. He made no doubt, but when the enquiry should be made, the noble earl would appear in as exalted a sphere of character as he had always done before; and, until the trial, he conceived that great character entitled to every degree of approbation.

Mr. *Bastard* was of opinion, that the enquiry, which ought rather now to extend itself to the dominion of the sea, ought not to be confined to the limits of earl St. Vincent's administration. Instead of party motions of this kind, it would more become the house to enquire into the disorders in the West Indies, and the circumstance of the dominion of the sea being now in the hands of the French, who dared not shew their faces on the ocean during the administration of the gallant earl St. Vincent. During that vigourous and active administration, the French could presume to shew themselves only to be defeated, and how shameful was now the reverse, when the British squadrons were obliged to fly before them. The hon. gentleman concluded with observing that the great object of our enquiry should at present be, by what means we might be able again to put ourselves into the same situation in which earl St. Vincent had left us?

Mr. *R. Ward* said, he must absolutely and distinctly deny that the enemy were now in possession of the dominion of the sea, or were able to cope with our fleets in any part of the world.

Admiral *Markham* said, if the right hon. gent. (Mr. Pitt) already objected to two of the motions while he was willing to grant the remainder, it must also follow, that he should have to object to many others which he should think it right to submit respecting the supply of foreign timber, which would be so necessary to the earl St. Vincent's justification, though he should be sorry, on any other account, to propose the disclosure of any thing which might be supposed embarrassing to government. When the same right hon. gent. last year moved for an account of the foreign timber imported, he objected to it as a disclosure which he thought at that time improper, but being now out of office, he was not capable of judging whether a similar communication would not be equally injurious at the present time. All he should think of asking for would be such papers as were barely necessary for the vindication of the noble earl, who wanted no other protection but what he could hope to derive from the justice of his country. The gentlemen opposite him would never think on such a subject to content themselves only with such papers as might be sufficient for a vote of one night; for, if the enquiry respecting lord Melville required to be referred to a committee, though comparatively it lay in a nut-shell, how much more necessary would it be on a subject which embraced the conduct of a whole administration? He must once more observe, that all he should require was, that the case should be fairly, fully, equally, and impartially tried. This he was peculiarly anxious for, because, as he loved his country much more dearly than he did earl St. Vincent, he considered a just and full enquiry to be the best means of securing it. If a committee should be appointed on it, he wished it to consist not of party men, as on the late occasion, but of proper people (order! order!)—He did not mean to say that any set of gentlemen would be actually partial.

The *Chancellor of the Exchequer* here interrupted the hon. admiral, as being disorderly in anticipating what sort of committee the papers might be referred to, before they were produced.

The *Speaker* said, that in fairness he must acquit the hon. admiral of being more out of order, in that instance, than others who preceded him; but, he must at the same time inform the hon. admiral, that it was highly disrespectful to speak of committees appointed by the house, as if they were the nomination of any individual.

Admiral *Markham*, after apologising, went on to proceed in nearly the same way, when he was again called to order by Mr. Dent. The hon. admiral said, he did not conceive himself irregular in adverting to what he meant to be the objects of his own motions; when, the Speaker said, he must now imperatively interfere, and acquaint the hon. member, that he was not at liberty to pass by the subject of discussion, or refer to his own motions, till the present was disposed of. After some further conversation, the motion was agreed to.

Mr. *Jeffery* then moved a long string of motions, for "the number of line-of-battle ships and frigates in commission, in 1793, distinguishing their rates, &c. ditto, in 1794, and from thence to the 18th of February, 1801-2-3-4, and 5, distinguishing their rates, and whether in the king's or merchants' docks; also the ships of the same description out of commission; the numbers building during these periods; when launched, or likely to be launched; ships laid down, and meant to be built; the timber in store; the quality of the articles, &c.; all of which were agreed to.

Mr. *Dent* then, in pursuance of a former notice, in order to probe things to the bottom, and draw a comparison between the administration of earl Spencer and the earl St. Vincent, moved, "that there be laid before the house, a list of all persons raised to the rank of lieutenants in the navy, from lieutenants to captains and commanders, and from captains and commanders to post captains, from the 1st of Jan. 1795, to the 1st of Jan. 1804." He said, that if the papers were agreed to, he should follow them up with a specific motion.

Admiral *Markham* thought it invidious to draw this comparison, as he, together with all the friends of earl St. Vincent, had ever spoken and thought in the highest manner of the purity and zeal of earl Spencer's administration.

The *Chancellor of the Exchequer* proposed an amendment, for bringing the account to the latest period, which would include the administration of viscount Melville.

Sir *J. Sinclair* renewed his former objection to the multiplication of enquiries at this late period of the session.

Mr. *Kinnaird* said, that, to do away the invidious distinction between the administration of earls Spencer and St. Vincent, he should propose as an amendment to the motion, that it should begin at the year 1793, instead of 1795, which would include also the administration of the earl of Chatham.

Admiral *Markham* said, that, as the object was to shew that earl St. Vincent employed a greater number of officers than any of his predecessors, it would be right to shew the reason of the promotions which were made at the end of the late war, for the reward of naval services, and to amend the motion, by going back to a comparative estimate with the promotions made under the administration of earl Sandwich, at the close of the American war. However, as he did not wish to crowd the table of the house with too many papers, he should not persist in the amendment.—The amended motion was then agreed to, commencing with the year 1793.

[CORN REGULATION BILL.] Lord *A. Hamilton* called the attention of the house to the numerous petitions against the corn law of the last session. He argued that the great advance in the price of grain since the introduction of that measure into the house, was in a great degree attributable to it. He complained particularly that Irish grain, when warehoused here, might be exported as foreign, and he believed that much of this Irish grain had in this manner found its way to enemies ports. He concluded with moving, that a committee be appointed to enquire into the matter of the petitions.

Colonel *Stanley* represented the extent of the complaints against the bill, in the manufacturing parts of Lancashire.

The *Secretary at War* observed, that the petitioners acted upon misapprehension or misrepresentation, as, in fact, the bill never came into operation. As to the injurious effect upon Scotland, it was to be ascribed to the alteration in the usual average, proposed by the noble lord himself, and to obviate which, he was now suing for redress.

Mr. *Coke* (of Norfolk) was against the bill going into a committee, or any further discussion being had upon it. It had produced the most beneficial effects already, by encouraging the importation of wheat, which now throughout England kept down the price of the markets.

Mr. *Western* was against all discussion of the subject, now when corn was every where falling in price, on account of the great quantities imported, from the contemplation of what might have been the effects of the late act. Its provisions had not yet taken effect; and the ports had never been shut by it, as the prices were not low enough to produce that consequence. Even in Scotland, as well as Ireland, the surplus produce was, this year, so great, that large quantities of wheat were imported from these countries into England. Even in Lanarkshire, the petitions from which were so much rested upon, the average prices were lower than on the corn exchange in London; and, he believed, upon the whole, lower than the average prices of England. When the bill was passed the price of corn was 10s. a quarter dearer than it was now throughout the country. It was a great object to throw off the dependance which Great Britain heretofore was under, for its supplies to foreign countries, which in the present state of Europe, might, without any strain of probability, be, in a short time, converted into enemies. The effect of the continuance of this act would be, that the man who employed his capital in agriculture might safely conclude in deriving an adequate profit from it, and in this manner be put upon a fair footing with the manufacturer.

Sir *Robert Peele* argued, that the manufacturing interest should be supported against foreign competition, by supplying the necessities of workmen at a reasonable rate. A temporary depression of the farmer's profits ought not to be made the cause of a permanent burthen on the consumer.

The *Chancellor of the Exchequer* said, he approved of the general principle of the act of last year, and was convinced that it had no share in the high price of grain, which was solely to be attributed to the deficiency of the crops throughout the country. It did much good from the encouragement it gave to importation, and he contended it to be impossible, that the interest of the agriculturist and manufacturer should ever be at variance with each other. If the house was once to discourage the grower for the present interest of the consumer, it must follow that the latter must ever afterwards be a sufferer by it; and, at times, subjected to such aggravated prices as would be most severely and intolerably felt. He deprecated any farther discussion on the subject at present, but did not object to the committee, as he thought it the most effectual mode, in its report, of counteracting all erroneous opinions with regard to it.

Mr. *Foster* stated, that he had supported this bill when brought forward last session, and saw no reason why it should now be altered or repealed. No corn had been exported from Great Britain in consequence of it, nor had it prevented any from being imported; it had done no harm; and he, therefore, did not wish any investigation to take place.

Mr. *Macdowall* observed on the average prices, which, he said, were against Scotland, and thought, if the committee, in this instance, was refused, a bill should be brought in specifically to regulate them.

Mr. *Francis* maintained that when the bill passed, the price of bread was not more than eightpence or ninepence the quartern loaf, and, in about a month after, it rose to about sixteen or seventeen pence, for no other reason but because the bill was in force. He would, therefore, give his assent to the motion.

Mr. *H. Lascelles* thought it better to go into the committee, and if it should be found that the bill had no effect, it might easily be altered.

Mr. *W. Smith* did not think the bill was the cause of the rise of bread, and was sure, if any gentleman would take the trouble of enquiring, he would find that it was the frost which came on in June. He thought it, however, desirable that the house should go into a committee.

Mr. *Barham* spoke in favour of the committee, and thought that, as the people had doubts, it was necessary that an investigation should take place.

Sir *C. Price* thought the interference of parliament in these matters had a bad effect on the market.

Sir *J. Newport* opposed the motion for a committee, as he thought, whenever this subject was discussed, speculations took place, which were injurious, and, no doubt, would be enlarged, if the present motion were carried. Sir W. Curtis and Alderman Coombe thought the average too high, and agreed that the house should go into a committee. Lord Archibald Hamilton concluded the debate with asserting his design to be not to alter the bill if it were advantageous, but only to permit the committee to enquire into its merits; so much he considered to be due to the petitioners and to the country. The house then divided:—Ayes 63; Noes 40. Majority for the committee 23.—Adjourned.

HOUSE OF LORDS.

Monday, May 13.

[ROMAN CATHOLIC PETITION.] The order of the day having been read for resuming the adjourned debate on the Roman Catholic Petition,

The Earl of *Suffolk* rose.—The emancipation of the Irish Roman catholics was a measure, his lordship was of opinion, which must sooner or later be adopted, and therefore he wished their lordships at once generously and nobly to grant the prayer of the petition. Objections had been made to this as a proper time for such a measure; but no time, his lordship contended, could be more proper than the present. It was indeed a critical time, a time when they knew not how soon the enemy might land on their shores; but it was only for that reason the more necessary that the whole strength and population of the empire should be united, and no means could be more effectual for this purpose, he thought, than to conciliate the Roman catholics of Ireland by a just, a wise, and moderate policy. The concessions that had already been made them, it had been argued, had only been productive of evil, and had led to the present high demands; but those concessions, on the contrary, he contended, had done good, and from the present, therefore, as necessary to complete the good effects of the former, the greatest advantages might be expected. His lordship then made some animadversions on the speech of the noble secretary (lord Hawkesbury) on the former night, and vindicated the conduct of the noble baron who was the author of the motion. If ever he had heard a great constitutional question argued with that cool and temperate moderation which became its importance, it was on that occasion by the noble baron. If the noble lord had said that such a measure as that prayed for in the petition would ultimately prevail, he could only mean that reason, and an enlightened policy, would ultimately triumph over those little prejudices that were the greatest obstacles to the measure; a sentiment he thought which could not easily have been misunderstood, and in which he readily and sincerely concurred. The noble earl farther contended that they owed the Roman catholics of Ireland the prayer of their petition, as a matter of justice as well as of expediency, because it had been held out to them as an inducement to their union with this country, and the expectation of which had contributed in so great a degree to the accomplishment of that object, that it was probable that, without such expectation, that event would not have taken place. A noble lord (lord Hawkesbury) had laid it down as a principle that this petition ought never to be granted. He thought this a very imprudent declaration, as well as highly degrading to the Irish character, particularly as our army and navy were so much indebted to Ireland for their supply. The noble lord had declared, that he had no confidence in their principles, and was afraid of the bad consequences that would ensue from the hostility of their religion to the civil rights of the country. But he wished noble lords to recollect, that many of our best rights had originated under Roman catholics, and when that religion was the religion of the country; and as a proof that difference in religion was not so incompatible with the duties and relations of citizens, he could not help reminding their lordships, that even in Roman catholic countries, protestants were sometimes employed by the government and permitted to hold offices of trust. The ablest minister and the greatest soldier that France could ever boast of were both protestants, and no bad consequences were found to ensue from that circumstance. He denied that the late rebellions were at all connected with the grounds of the present petition, and urged the advantages that might be derived from making magistrates of the country gentlemen, whose religion being the same as that of the people would give them greater weight and influence, and reconcile the people to their authority. The noble earl concluded by urging the propriety of receiving the Roman catholics to a participation of the rights of the constitution, as a measure of both justice and expediency.

The Earl of *Oxford* supported the petition, and disclaimed all connection with a certain person who had been alluded to on the former night (Arthur O'Connor) since he had heard that he had joined the enemy.

The Earl of *Buckinghamshire*, perceiving a noble and learned friend near him (lord Carleton) anxious to deliver his sentiments upon the important subject then under their lordships' consideration, was extremely unwilling to prevent the house from hearing the noble lord; but having resided for so many years in Ireland, having during a considerable portion of that time held a high official situation in that country, and having been the individual who introduced the bill of 1793, he was absolutely precluded from giving a silent vote. In offering his sentiments against the motion of the noble baron, however they might militate against the prayer of the petition, he was under no apprehension of being charged with prejudice or intolerance; to such an imputation he would answer by a reference to the bill of 1793, and it would be unnecessary for him to desire a more effectual justification than would be found in the provisions of that bill. It had given to the Roman catholics of Ireland the full enjoyment of a perfect equality of civil rights with the rest of his majesty's subjects, with an exemption from certain political obligations which are withheld from all except the protestant dissenters of that country. Under the impression of every thing that had been already conceded, he was never more surprised, than that the noble baron, whilst deprecating inflammatory language in others, should himself resort to so extraordinary a position, as that the refusing to grant what the Roman catholics had sought for in their petition could be justified only upon the principle of their being deemed traitors, and unfit even to be permitted to take the oath of allegiance, and if that were the case, severe and oppressive as the penal code had been, it ought to be re-enacted.—Such an argument from the lips of the noble baron could not fail to excite considerable astonishment; and more especially with those who are disposed to resist the repeal of the test and corporation acts in Great Britain; and were it just, it must equally apply. What effect such a declaration might have upon the persons affected by those acts, he would not undertake to anticipate; but he did not think it consistent with that moderation which the noble lord had so strongly recommended. So far from agreeing with the noble lord, the earl of Buckinghamshire was decidedly of opinion, that considering the tenets of the Roman catholics, the indulgencies they had received from their sovereign and the legislature could only have been the result of a confidence in their loyalty; but so long as they acknowledged a foreign ecclesiastical jurisdiction within the united kingdom, it was impossible to entrust them with any large share of political power. Doctor Troy, a man of ability and unexceptionable character, in his pastoral letter of 1793, expresses himself in the following manner:—"That catholics are obliged to believe as an article of their faith, that the pope or bishop of Rome, as successor of St. Peter, is the supreme visible head of the church on earth, and the centre of catholic unity, with a primacy by divine right, of real authority and jurisdiction in the universal church, and that all catholics owe him canonical respect and obedience on that account; and that the supremacy of the pope is one of those points on which all catholics are agreed as an immutable article of their faith." His lordship then put it to the house, whether persons professing such a doctrine could safely be admitted to the higher offices of state or to seats in parliament. His lordship then proceeded to state that the noble baron having appealed to those peers who had held official situations in Ireland for their sentiments respecting the loyalty of the catholics, he should declare his without any reserve. He was satisfied it was better for him to answer distinctly to that appeal, lest an interpretation should be put upon his silence which was not conformable to his real opinion. He had no hesitation in saying, that the conduct of the persons of high rank and the gentlemen of the old catholic families had uniformly been distinguished by loyalty to their sovereign and attachment to the government of the country; but he was concerned to be under the necessity of adding, that those persons had ceased to have any influence upon the catholic body: that the influence formerly exercised by them had been vested in other hands; in the hands of men of whom he was not disposed to speak with severity—but when he observed that they (he meant the catholic committee) employed as their agent Mr. Theobald Wolfe Tone, a man, not even of their own persuasion, who was the founder of the society of united Irishmen, who was at the very time employed in an attempt to form a traiterous conspiracy for the purpose of effecting a separation between Great Britain and Ireland, and who was engaged in a correspondence with the French government with a view to the procuring their assistance to further his designs, the noble lord would not say, that connection with such a man was proof of disloyalty, however obliged he might be to admit that it was calculated to excite suspicion. The noble lord then read, from the publication (subsequent to the bill of 1793) of the proceedings of the Roman catholic committee, the following resolution: "Resolved, that the sum of fifteen hundred pounds, together with a gold medal, of the value of thirty guineas, bearing a suitable inscription, be presented to Theobald Wolfe Tone, esq. agent to the committee, as a testimony of his services and our gratitude." His lordship then adverted to what had fallen from the noble baron respecting the expectations the catholics might have been induced to entertain at the time the union was under discussion. The noble baron had fairly admitted that no pledge was given, whatever hopes might have been encouraged from an assurance that the situation of the catholics would receive an impartial consideration in the parliament of the united kingdom. The noble lord said, as far as the observation could have reference to his sentiments upon the subject, having been one of the persons called upon to assist in preparing the articles, he must confirm the declaration of the noble baron, that no pledge had been given; but to what extent the catholics might have been justified in indulging a sanguine expectation from a discussion of their situation in the imperial parliament he could not attempt to form a conjecture. He certainly could not charge himself with having contributed to their disappointment. In the house as well as out of it he had always stated the principle upon which he acceded to the union; a principle that must preclude him from acquiescing in their being admitted to seats in parliament. The noble baron had felt, that whilst Ireland remained a separate kingdom, the objections to catholics being eligible to seats in the house of commons were almost insuperable. The earl of Buckinghamshire was of opinion, though not exactly upon the same grounds, that the arguments against their sitting in the imperial parliament were equally forcible. In their (the catholics) situation, however, he could perceive a material difference. From being a majority in a separate, as they would become a minority in the united kingdom, their pride would naturally be less affected at the continuance of the disability. They might expect a more unbiassed consideration of their interests, when in their opinion local prejudices and partialities are less likely to prevail. The irritation that had been produced from a variety of circumstances, had a direct tendency to lead to such a conclusion, and his lordship saw no prospect of permanent tranquillity in Ireland, except by means of legislative union with Great Britain. With every disposition upon these grounds to give his support to that measure, his lordship expressly declared, that it would have met with his most strenuous opposition, if he could have anticipated the probability of an acquiescence in the prayer of the petition upon the table. It went, in the view he took of it, to the total annihilation of the protestant interest in Ireland. The system of representation, as settled at the union, had been so formed by the abolition of the boroughs, which had been created as a counterpoise to the power of the catholics, and by throwing the whole weight of the representation into the counties, that the share the protestants would be able to retain, after the catholics sat in parliament, would not be sufficient to leave them any influence in the country; and although the noble baron had treated such an idea with no small degree of contempt, saying, that nothing but bigotry could induce any man to entertain it, the noble earl was ready to acknowledge himself a bigot upon that subject; having the most perfect conviction, that if such a step was unfortunately taken as to admit the catholics into the house of commons, in the course of a very few years there would scarcely be a representative from Connaught, Leinster, and Munster, that was not of that persuasion. In those provinces the number of catholics to protestants are computed as six to one, and the freeholders in nearly the same proportion. The protestant landlords would depopulate their estates if they attempted to dispossess their catholic tenants; a measure at all events difficult to accomplish, as, from the practice in Ireland of letting the lands for lives, a great proportion of the peasantry have freehold tenures. His lordship then asked, if any person who was conversant in the character and disposition of the Irish catholic, would venture to state, that in an electioneering contest between a protestant and a catholic, the influence of the protestant landlord would stand a competition with that of the popish priest. The arguments deduced from the interests of the popish religion, the possible, or rather certain relief from the payment of tithes, with the variety of inducements which the ingenuity of the priest would suggest, could leave no doubt of his ultimate success. The mischief that must arise during the few years that such a contest would continue, the manner in which it would be conducted, and the animosities that it would create, his lordship said, might be better understood by a recital from the history of Ireland, than by any representation that he could make. He then quoted a passage from Leland, who, in describing the struggle for power which took place in Ireland in the time of James the First, says: "Agents were dispatched from the pale into every province to support the election of their friends, and to entreat the assistance of every man of quality or interest in this time of danger. The clergy preached the cause of religion, and denounced their excommunications on those who should presume to vote against the friends of the holy Roman church." Having endeavoured to convince the house, that, in three provinces out of the four, Connaught, Leinster, and Munster, the representation, with scarcely an exception, would be catholic, his lordship proceeded to state, that in Ulster the catholic, with the protestant dissenters, constituted a great proportion of the population; and said he would leave to the house seriously to consider the effects that such a weight of dissenting interest thrown into the house of commons might have with respect to the security of the church establishment. How soon the common object of all the dissenters might be accomplished, must depend upon circumstances; but that that object would be the destruction of the property of the church, no doubt could be entertained. His lordship then adverted to the evidence of Doctor Macnevin, a catholic and a rebel, in his examination before the committee of the Irish house of commons, in 1798.—Q. "Have you seen a resolution of the Leinster provincial committee of the 19th Februaiy, 1798, viz. that they would not be diverted from their purpose by any thing which could be done in parliament, as nothing short of the total emancipation of their country would satisfy them?" *A.* "I have." —*Q.* "Do you think the mass of the people in the provinces of Munster, Leinster, and Connaught, care the value of this pen, or the dip of ink which it contains, for parliamentary reform or catholic emancipation?" *A.* "I am sure they do not—but they wish much to be relieved from the payment of tithes." His lordship then said it was extraordinary to observe how much even the language of the protestant dissenter in England accorded with that of the catholic dissenter in Ireland. In the debate upon a motion for repealing the test and corporation acts in the year 1790, Mr. Burke, in the course of a most able speech opposing that motion, produced a letter written by Mr. Fletcher, a dissenter, stating, that the principles held at a meeting of dissenting ministers, at Bolton in Lancashire, were so violent that he would not stay; it described, that one member, on being asked what was their object, and whether they meant to seek for any thing more than the repeal of the test and corporation acts, answered in the language of our Saviour, "We know those things which we are not yet able to bear." And, on another member's saying, "give them a little light into what we intend," informed him, "that they did not care the nip of a straw for the repeal of the test and corporation acts, but that they designed to try for the abolition of the tithes and the liturgy."—The noble baron had adverted to the apprehensions entertained from the introduction of forty-five members of the presbyterian church into the house of commons, at the time of the union with Scotland, and had asked how far the predictions of that day had been realized. The noble earl admitted that they had not. But he would ask, whether the day might not yet come, if the prayer of the catholic petition was complied with, when the fate of the church of England might depend upon the Scotch representation—when a question might arise whether the revenues of the church should not be made applicable to the exigencies of the state? The sentiments of the Irish and English dissenter had been already expressed. The church of Scotland has been emphatically described "as being built upon a rock of poverty;" and when a great object was to be obtained, who would be responsible that the Scotch members might not be disposed to place the church of England upon a similar foundation? The noble lord considered the experiment too desperate to be hazarded, and trusted their lordships would not make it. The principles established at the revolution were the landmarks by which he would advise their lordships to direct their conduct. The blessings they had enjoyed, by the operation of those principles, had not been equalled by the people of any country that had ever existed. The British constitution had stood firm amidst those storms by which Europe had been convulsed during the critical times in which it had been their lordships destiny to live. The interests of the church were so interwoven with those of the state, that the one could not be shaken without endangering the other. No substantial reason for the proposed innovation had been adduced, whilst much cause for remaining as we were was felt by every man. The people of England, he said, looked to the decisions of their lordships with an anxious expectation, and he trusted they would not be disappointed. Feeling as he did, that the prayer of the petition might be fatal to the title of the house of Brunswick to the throne of the united kingdom, his lordship would not place the noble lord upon the woolsack in the distressing predicament of presenting a bill to his majesty for his assent, which, exclusive of other important considerations, was calculated to destroy the permanent interests of his family. His lordship would be no party to such a proposition. By leaving the petition upon the table for so many weeks, the noble baron who introduced it, had given that time for deliberation that was due to the importance of the subject. He was persuaded, it had been fully, impartially, and most seriously considered. The result, in his mind, was a determination to vote against going into the committee.

Lord *Carleton* said, that the measure proposed would affect the whole empire, but more particularly Ireland; therefore, several of the observations which he meant to make would specially relate to the measure, as it might peculiarly affect that country. The main object of the petition is power. In his opinion the Roman catholics already have as much power as they ought to possess under a protestant government, and therefore he would oppose the petition.—The concessions in 1793, as to removing penalties, were wise, but, as to every thing beyond that, doubts might be entertained as to the wisdom of the measure. However, it is to be observed, that the parliament of Ireland only gave the right to possess inferior offices, but did not transfer the power of the state. The concessions already made to the Roman catholics have extended their influence, increased their demands, and multiplied their discontents. Nothing hitherto conceded has given them content; what probability is there that any thing short of all will satisfy them? To guard against their being superior in power, care must be used to prevent them being equal. The petition claims every thing; refusing to commit it is an answer to the claim of every thing. If there are minor concessions which might be safely granted, when the Roman catholics think fit to ask them distinctly as matters of favour, they may call for a distinct consideration. Catholics are not *eo nomine* excluded from holding any offices of the state, or from sitting in parliament. The obstacles which stand in their way are certain oaths, a declaration, and the sacrament of the Lord's supper, according to the rites and ceremonies of the church of England, which are to be taken by persons of every persuasion upon taking possession of office, and the same oaths and declaration to be taken on coming into parliament. Roman catholics are less restrained in Ireland than here; there the Roman catholic oath qualifies for all offices civil and military, save a few, which are specially excepted. Not so here; though the English Roman catholic oath is more forcible than the Irish, and binds the Roman catholic to support the protestant succession, whilst the Irish does not. He agreed entirely with the noble lord who immediately preceded him, in the well-merited eulogium which he had pronounced on the character and conduct of the Roman catholic noblemen and gentry of Ireland; they were men of great integrity, honour, and loyalty, and many of them had fought very gallantly in quelling the rebellion of 1798. They had disclaimed the obnoxious doctrines contained in the decree of the fourth council of Lateran. That disavowal was consistent with morality, social duty, and good sense. He gave credit to their assertion, and he did not rest his opposition to the petition upon those objectionable tenets; other tenets, which greatly influenced his opinion, were such as their religion bound them, as good catholics, to enforce. They were not such as reflected disgrace on the Roman catholics, though they might expose the constitution in church and state to some hazard. To tolerate is wise, to invest with the powers of the state, is the reverse. An exclusion from holding certain situations, deemed necessary to the safety of the state, neither stigmatizes nor enslaves. An equal diffusion of political power amongst all the different sectaries would, in their union against the established religion, denounce its downfall by the systematic, persevering, deliberate, though slow conjunct exertions of religious zeal, political ambition, and inordinate thirst for power. To bestow such power on Roman catholics, and to with-hold it from other sectaries not belonging to the established religion, would prefer Roman catholics to some whose motives of action were less objectionable than those of Roman catholics. There is no foreign ulterior supreme authority which the tenets of other religions bind their professors to maintain as superior to the established legal government of the empire; but if Roman catholics were in possession of political authority, their religious principles would bind them to use it in an endeavour to render the constitutional authority of the empire subservient to a foreign dominion. By statutes passed in both countries in the reigns of Henry the Eighth and Elizabeth, in unison with various more ancient statutes, the king is declared supreme head of the church, and the pope's authority, spiritual and temporal, is, to all legal effect, declared void. The king, in virtue of this authority, convenes, prorogues, dissolves, regulates and restrains synods or convocations, appoints or recommends to bishoprics and certain other ecclesiastical preferments, and has the dernier decision and appellant judicature over all ecclesiastical causes. That the authority of the state is not supreme in the countries subjected to its dominion is a most dangerous doctrine; any interposition in these dominions by a foreign judicature, governed by the laws of a foreign prince, laws tending to the subversion of the protestant religion, leads to ruinous consequences. Roman catholics acknowledge and pay obedience to a foreign, final, ecclesiastical authority, which can make laws upon spiritual subjects, and, in violation of the laws of these countries, enforce them (without the aid of any temporal process) by ecclsiastical coercion and punishment. That foreign ecclesiastical authority is under the influence of the ruler of France. Before the French revolution, if any potentate had attempted to enslave the pope, all other Roman catholic countries would have interposed in his behalf; such interposition against France cannot at this day be expected. The influence of the pope over Irish Roman catholics is now as great as it ever was, and the government of France guides its direction. The Roman catholic bishops' oath is, "to defend the royalties of St. Peter, and to maintain, promote, and augment the authority of the see of Rome." It embraces the supremacy of the pope's jurisdiction over all spiritual matters, and over all temporal consequences flowing from that spiritual authority, and calls for unceasing efforts to increase the power of the see of Rome. The Roman catholic bishops are bound to influence all persons who are under their superintendence to assist in fulfilling their oath. The Roman catholics hold that the state cannot bind them over to passive obedience in spiritual affairs, and that the sole power of making and interpreting laws respecting spiritual affairs is vested in the pope or their church, consequently (as they think) our laws cannot bind them, as to temporal matters inseparably connected with spiritual matters.—Their opinion on this subject derives additional weight from their considering Ireland as a fief derived under a grant from the pope. Dr. Troy's pastoral letter, published only thirteen years ago, strongly supports those positions. It distinctly asserts the pope's supremacy, even in matters of appeal, treats that of the king as an usurpation, and inveighs not very decorously against the legislature for having declared the king supreme head of the church. In Ireland, the Roman catholics hold regular ecclesiastical courts, whose decisions are completely enforced by ecclesiastical influence, lay submission, and the all-powerful effect of excommunication, prohibiting all intercourse with persons excommunicated. Their spiritual jurisdiction draws to it temporal power and influence; it involves dispensations, licenses to marry, legitimacy, and the right of succession, as dependent on the validity of marriage; pre-contract, former marriage, affinity and consanguinity, as incapacities; maintenance and liabillity to debts as consequences resulting from marriage, divorces as dissolving the bond of marriage, and the validity of wills of personal estate. In all those instances the exercise of spiritual authority influences temporal rights. The extent of that influence is liable to be greatly increased, as Roman catholic ecclesiastics claim the right of deciding what are spiritual matters within their cognizance, and by an undue exercise of that claim of power, they may greatly extend their influence over temporal objects. Were Roman catholics possessed of temporal power, they must (acting conformably with the principles of their sect) use it to legally enforce Roman catholic ecclesiastical decrees; to give increased importance to their religion; to depress the protestant religion; to legalize a foreign supremacy, that of the pope, with all its claimed temporal consequences; to overthrow the constitutional supremacy of his majesty, with all its now enjoyed temporal consequences; and to obstruct the execution or procure the repeal of all our laws which relate to spiritual affairs, howsoever extensively affecting temporal rights. It would be highly dangerous to afford the means of futurely weakening in effect that supremacy of the king which is already openly denied in theory. A participation of equal power must take all pre-eminence from the established religion; in such case how is the king's supremacy to be maintained? What is to become of those acts of parliament which render it penal to deny that supremacy? Is every attempt to invade it to be rendered legal? Is a right to be conferred of denying it without control, and of obstructing it with impunity, and perhaps success? The ulterior views of the Irish Roman catholics may be strongly collected from the caution used in framing their oath, in the 13th and 14th of George III. cap. 35. in which they have adopted the expressions, "the succession of the crown in his majesty's family," declining to adopt the expressions which the English Roman catholics had no hesitation to make use of, in the 31st George III. cap. 32d, "which succession is limited to the princess Sophia, &c. and the heirs of her body, being protestants." In the one case the oath binds to the support of a protestant succession; in the other case it leaves an opening for the possibility of a Roman catholic succession. Can it be supposed that the Roman catholics, if possessed of considerable political influence and power, would not seek an exemption from contributing to the support of the protestant clergy; a church establishment for the Roman catholic clergy equally splendid, permanent and independent as that of the protestant clergy, and a recognition of the laws of the Roman catholic church, and of the competence of the authority of their courts? Thus tithes must be annihilated, or divided between the protestant and Roman catholic clergy, and the supremacy of the pope, or, in other words, of the ruler of France, must be completely established.—A number of acres almost equal to the full contents of Ireland was forfeited by the rebellions of Desmond and Tyrone in the reigns of Elizabeth and James I. and by the rebellions in 1641 and 1689. Most of the protestant titles in that country are derived under those forfeitures, and grants from Elizabeth and James; the Irish acts of settlement and explanation in the reign of Charles II. and grants by William and Mary, and the English statutes of their reign, and that of Queen Anne. Roman catholics still settle those estates as if they were in possession of them, to perpetuate, to those who are to succeed them, the idea that those estates had once belonged to their families, and might be again enjoyed by their descendants, if the claim to them were persevered in, thus to stimulate to keeping up the claim. In 1644, the confederate Irish Roman catholics demanded, "that there should be a revision of all forfeitures, &c. and grants from the crown from 1588, (eighty-six years) by a free parliament."—In 1689, a bill passed the parliament of Ireland to repeal the acts of settlement and explanation. Not many years ago maps of the Irish forfeited estates were industriously circulated on the continent, an indication that some important object was looked at for attainment, and that it was desirable to conciliate foreign catholic potentates, with a view to the success of that project. Since the union it has been openly avowed, "that the revolution was an usurpation, the exclusion of Roman catholics from seats in parliament an excess of the power of the legislature, that the old Roman catholic proprietors never had offended, that the confiscations were unjust, and that the present possessors held by usurpation, and ought to be dispossessed." Why? Truly to produce unanimity, cordiality, and affection between the several sectaries in Ireland. Thus no length of time and enjoyment can sanctify title, no concurrence of circumstances can preclude re-assumption; attainders, acts of parliament, purchases, settlements, long possession, prescription, are to be inefficient in giving title. The most solemn acts of the legislature, and of courts of justice, done whilst the transactions were recent, and the evidence existing, which have been acted upon and enforced during successive ages; titles created under those acts, and infinitely branched out and diversified for most valuable considerations, are now, when the evidence is lost or mislaid, to be presumed unfounded, contrary to the light of history and to that conviction which has, during ages, influenced the conduct of the parliaments of England and Ireland, and has guided the actions of the most eminent men of those countries, and of the mass of the people. For what purpose? To uproot every thing which has been deemed solemnly sanctified and settled; to unsettle the church, the influence and property of the protestants, and to elevate the members of the Roman catholic persuasion upon the depression of those of the protestant. It is supposed, by some persons, that the length of time which has elapsed since making the grants of the forfeited estates, imposes insuperable difficulties in the way of Roman catholics establishing their titles; and that since the relaxing laws of 1778 and 1781, Roman catholics have acquired so much property under the titles to the forfeited estates, that, in maintaining their own rights, they must defend the titles to the forfeited estates, and that the Roman catholics have solemnly disclaimed all title to the forfeited estates. The repeal of the Irish acts of settlement and explanation, and of the English acts of William III. and Anne, relating to forfeited estates, would annul all the protestant titles founded on them, and expose the possessors to all the hazard, uncertainty, litigation, and expense which might be brought upon them by opposite claims, whether maintained by true or by false evidence. Dispossession and ruin would be the consequence to individuals; to the public, the result would be unsettling the property and power of the country. The estates of inheritance acquired by Roman catholics since the relaxing laws are as yet inconsiderable. The religious zeal of Roman catholics holding leases under the forfeited titles, would induce them to think that if the inheritances were restored to the families of the ancient proprietors, Roman catholic tenants, assuming the merit of having aided the restitution, might be sure of having their leases confirmed by landlords of their own persuasion. Thus neither the inheritance nor the derivative interests would protect the protestant titles against the various incentives which might combine to defeat them. The present laws, aided by a protestant government and protestant constitution, do protect them. Any other protection would be ineffectual. Of what avail would the disclaiming of Roman catholics be if they acquired power to enforce their claims, when they have already, since their supposed disclaimer, though not yet possessed of sufficient power to establish their demands, revived their claims to the forfeited estates? How have their stating specific objects, as exclusive of all others, in various transactions of the year 1792, prevented unqualified demands in 1794, and down to the present period? If the Roman catholics were to obtain restitution of the forfeited estates, the country would be ruined. If they failed as to that their main object, conciliation would not be the result of concession. This country never can, consistently with any principle of policy or common sense, give way to the claim of restitution. That is a great object looked at as the result of power. Separation then of Ireland from Great-Britain would, whilst any expectation was entertained of procuring restitution, be the only means of obtaining an object otherwise unattainable. That expectation must be repressed by a prompt and decided resistance, demonstrating the determination of the state to direct the whole of its force in opposition to the attempt. It has been said that "the measure, if adopted, would secure the country against future rebellions, conciliate the Roman catholics, and inseparably unite them and the protestants." To judge of this reasoning it is necessary to advert to the objects which the rebellion of 1798, and its off-shoot, that of 1803, looked at. And here, my lords, I shall briefly take a review of some leading facts, and of the motives which led to the rebellion of 1798, as they have been disclosed by those who best knew them, the leaders of that insurrection. In 1791 the society of united Irishmen was established; its objects were evidently rebellious; it aimed at the entire overthrow, not merely any imagined improvement, of the existing constitution. This is demonstrated by a letter from Tone directed to a person in Belfast, and containing the resolutions which were afterwards (with a small variation) adopted in the public declaration of the Dublin society of united Irishmen, upon the 9th of November 1791; in that year and 1792 the foundation of the rebellion of 1798 was laid. In 1792 Tone published in favour of independence, and separation of Ireland from England. In the same year, Edward Byrne, an eminent Roman catholic priest, issued letters to the several parish priests of Ireland, directing that delegates should be elected by their several parishes to sit in a Roman catholic convention; his letters stated, that "serving on juries and the elective franchise were the objects to be discussed by the convention." The convention accordingly assembled in that year: there never was any doubt that it sat as a Roman catholic convention, and it most certainly was the organ for expressing the then real objects of the Roman catholics. It resolved that "the objects of their pursuit were merely admission to the bar, county magistracies, serving on juries, and voting for members of parliament out of freeholds of 20l. per annum." The claims made by the convention extended, in the instances of admission to the bar and county magistracies, beyond the objects pointed out by Byrne's letters of summons; but neither his letters nor the resolution of the convention in any respect related to the avowed or real objects of the conspiracy at that time formed for the rebellion which took place in 1798; nor did they include any claim to the great offices of the state, or parliamentary representation. The equivocal expression of "catholic emancipation" was not adopted therein. Those could not have been real ingredients in the plan of insurrection then formed, nor were they in any respect consistent with the nature of that plan, which proposed not merely to alter the constitution, but to form an entirely new one. In 1792, Sweetman, with some other traitors, was a member of the convention; he took a distinguished lead in defending the defenders of that day; but such of the members of the convention as were loyal looked only to such objects as were within the reach of possible attainment, and such as were traitors had separation and independence, not catholic concessions, in contemplation. In the same year a petition from the inhabitants of Belfast to the house of commons of Ireland was preferred, praying a repeal of all the penal and restrictive statutes against Roman catholics; but it did not state that "the petitioners were Roman catholics." Afterwards, in the same year, a petition was presented from the Roman catholics, praying "a removal of some of the civil incapacities under which they laboured, and a restoration to some share in the elective franchise." Before the convention broke up, it appointed a permanent committee. In 1793 petitions from the Roman catholics were presented to the house of commons of Ireland, referring generally to a variety of severe and oppressive laws inflicting disqualifications. In the same year more was granted by the parliament of Ireland than the Roman catholic resolutions of 1792 had claimed, and the liberality of parliament exceeded the full extent of those claims. In

1794 Tone traitorously corresponded with the government of France, and in the month of April in that year, the traiterous consultation in Newgate took place, an invasion of Ireland was then planned, and the reasons for it, and to induce the French to invade, were digested. Neither catholic representation, nor the capacity to fill the great offices of the state were objects alluded to, though Tone, who was one of the conspirators at that meeting, was an accredited agent of the Roman catholics: nor was the establishment of the pope's supremacy, though Dr. Troy's pastoral letter had been published before that time. In December 1794, an address to a nobleman who speedily afterwards was sworn in chief governor of Ireland was signed by several Roman catholics, and amongst others by Sweetman, M'Nevin, and M'Cormuck, desiring in substance the repeal of all laws which restrained Roman catholics from the possession of power; thus laying aside the limited claims contained in Byrne's letters of summons, in the resolutions of the convention in 1792, and in the Roman catholic petition of the same year, and claiming equality in every respect with the protestants. In April 1795, the convention passed its resolution in favour of Tone: Lewins and M'Nevin were at that time members of it. The speeches in the convention (as communicated to the public) breathed separation of Ireland from Great-Britain. At that period those rebels, who had taken the lead in the convention, marked its proceedings as embracing the real objects of the plan which had been formed for the destruction of the monarchy: however, this observation does not include the Roman catholics in general, nor indeed all of the delegates. Between June 1795 and January 1796 a traiterous correspondence was carried on between the society of united Irishmen and the executive directory of France, to procure an invasion of Ireland; and upon the 21st of December 1796 the invasion was attempted by Hoche. On the 12th of May 1797 a report was made by the secret committee of the house of lords of Ireland, which states, that "parliamentary reform and Roman catholic emancipation were held out by the united Irishmen as a pretence, and to seduce persons not apprised of their intentions." Upon the 23d of May 1798, the first rebellion broke out; neither the proclamation which had been prepared by the Sheares's to be issued upon the breaking out of the rebellion, nor the other transactions preceding or accompanying that event, point out the want of Roman catholic representation, or of the right to hold every species of office as grievances which the rebellion was calculated to redress. Thus, at the first formation of the plan of rebellion, the Roman catholics had not made the claims which are now brought forward, and at the final execution of that plan the Roman catholic claims were not in the contemplation of the conspirators; in the intermediate steps they were used merely as pretexts. In the month of August 1798, a report of the committee of the house of lords of Ireland stated, that M'Nevin on his examination said, "It was not intended to have any religious establishment, and that the mass of the people in Leinster, Munster, and Connaught did not care for reform or catholic representation." Those were the principal Roman catholic provinces. On the 23d of July 1803 the last rebellion broke out; it was formed on the same principles as the former rebellion.—Adverting to the before-mentioned chain of facts, and to the several reports made by the committees of the houses of parliament in Ireland in 1793, 1797, and 1798, it appears, that the real objects which the two rebellions sought to attain, were the annihilation of tithes; the lowering of rents; an equal distribution of property; the levelling all the ranks and orders of the state; separation of Ireland from England; the destruction of the monarchy; and the establishment of a democracy on the principles of the late French republic. The Roman catholic claims were not objects sought by the two rebellions: had those claims been formerly ceded, they would not have prevented those rebellions; were they to be now conceded, every motive which led to those rebellions would still exist to conduce to further rebellion. Few of those who were embarked in these rebellions had any interest in establishing the Roman catholic claims. A pamphlet published by a late respectable Roman catholic nobleman suggested that the mass of the people could be little benefited by the adoption of such a measure as that which is now proposed, they being already capable of every thing which their situations could entitle them to, and that probably not more than ten on the part of Ireland could sit in the house of commons of the united empire, nor more than one in the house of peers, nor more than forty or fifty be candidates for offices of rank, trust, or emolument. Thus the numbers to be gratified by an immediate gift are so few, that the conciliation to be attained must be equally circumscribed; there being few capacitated to be candidates, the with-holding the objects claimed is felt by few; there are few to complain of injury, few to acknowledge and be thankful for favours conferred. Hence a concession productive at this day of small conciliation of the Roman catholics, of great dissatisfaction on the part of the protestants, might lay a foundation, when the political importance of the Roman catholic body became more considerable, for hazarding the safety of the state, and exposing it to the persevering efforts of unremitted zeal, guided by one common principle, and one all-ruling influence. It may be imagined by some, that though the mass of the Roman catholics have no interest in the objects claimed, it may be proper to concede them, in order to win over those persons of rank and property who have the power of influencing the great body of the Roman catholics. The lower orders have been influenced, not by the respectable and loyal members of the same religious persuasion (who have an interest in the claims now set up), but by factious demagogues of various persuasions, who aimed at rebellion, not at reform, or catholic claims, and would have been equally active in disseminating rebellion, if any concession had been made short of annihilating the monarchy. It cannot be expected that the mass of the lower orders of the Roman catholics should cease to be actuated by those interested motives which have heretofore influenced their conduct, because of a concession being made to some of the higher orders, of privileges not to be enjoyed by the mass of the people; in which they have no interest, and by which their conduct has not heretofore been guided. It has been argued, that the influence which the measure under consideration would confer, at present must be small, probably never can be great, and therefore there cannot be any danger; or if any, it must be remote. In the reign of James II. both houses of parliament were protestant, yet the other branch of the legislature was near succeeding against them both, in the establishment of popery. James II. professed to intend for the Roman catholics "only an equality of privileges;" that equality would have occasioned the downfall of the protestant religion: it was therefore resisted. The resistance was ultimately successful; but the danger having approached too near, the success of the resistance was attended with difficulty and hazard. The fluctuation of property in a commercial country, and of the relative numbers of persons composing the several sects, connected with the known perseverance of the Roman catholic body, renders it unsafe to trust to their not being able futurely to do injury because at the present day they are unable, not being possessed at present of sufficient political weight and influence. Their unremitting zeal in pursuit of political influence and authority, their implicit submission to one ruling and foreign power to the exclusion of the supreme authority of the state, their being all governed by one common principle, and firmly linked together by one general rule of action, render it not wise to intrust them with power upon a supposition that, because it might at the commencement be inconsiderable, it could not hereafter be rendered dangerously great. Sixty-four of the Irish members of the house of commons sit for counties, and many of the other thirty-six for open boroughs. The priests must have considerable weight in influencing the elections, as between protestant and Roman catholic candidates; and were Roman catholics eligible to parliament, probably at a period not very remote the representation on the part of Ireland would be completely Roman catholic. That body of men would enjoy a great part of the Irish patronage. Who can measure the influence of a body of men so constituted? who can foretel what they might effect by a junction at a critical moment with other bodies of men, standing in need of their assistance, and ready to make them a proportionate return of favour and support? To conciliation and unanimity there must be two parties—the Roman catholics, and all the protestants of the entire empire; and their mutual concurrence will scarcely be obtained by holding out to the Roman catholics the possibility that, by unremitting perseverance on their part, the laity may be restored to the forfeited lay property, their ecclesiastics to the church lands, the supremacy of the pope be established, and a Roman catholic ascendancy be substituted in the place of the protestant ascendancy, and by conveying to the protestants the idea that whatsoever the Roman catholics gain, the protestants must lose. The number of Roman catholics is to be considered in relation to the whole empire. In ascertaining the class of persons in whom the power of the state is to be vested, property, rank, respectability, talent, knowledge, judgment, and congeniality of principles which those of the state, are more to be attended to than numbers. If numbers and physical force unaccompanied by political weight and influence, whilst they can be brought into action only in opposition to, and under the controul of the laws, and of the systematic authority of the state, are to excite apprehension, how much more serious cause of alarm would there be, if the same physical strength were aided by political weight and influence, moulding and shaping the laws so as to give a free and uncontrouled course to such conjoined force? Let it be understood that political power to unsettle the state is unattainable, and the dangerous consequences of pursuing projects of innovation in violation of the law, and in opposition to the protestants of the empire, and all the honest and loyal men of the Roman catholic persuasion, will not be risked. The church and the state are necessarily connected, each giving support to the other. Roman catholics hostile to the one, cannot have the same attachment to the other as protestants have, whose tenets are not hostile to either. Notwithstanding that the monarch must not only be but must always have been protestant, were his advisers (upon whose judgment he is to act) to possess principles not congenial with those of the state, the constitution must gradually (and the more dangerously, because perhaps imperceptibly) be impaired. In this country tests were adopted gradually, and in succession, with great and progressive caution—first as to corporation offices, then as to offices held under the state, then as to both houses of parliament, and then as to the throne, each successive regulation being adopted from conviction that it was a necessary addition to the then existing regulations. To annul all those regulations would be a most hazardous experiment. Are Roman catholics to be admitted into the English share of representation? If not, upon what principle can they be excluded from thence, if not also excluded from the Irish share? Are any other sectaries to be excluded, though they do not uphold a foreign dominion, and nevertheless Irish Roman catholics, who maintain the supreme jurisdiction of a foreign spiritual authority, to be admitted? In Roman catholic countries the general tenor of the laws is conformable to the Roman catholic religion. The power of the government is somewhat despotic; to support that there is a strict alliance between the church and state; there can be no such alliance between a protestant government and a Roman catholic clergy. Their notions as to the power of legislation are directly opposed to each other, and here the most efficient part of the legislature is popular, and elective; hence a way might be opened by admitting Roman catholics into parliament, and the great offices of the state, towards investing them with a dangerous influence. The possession of inferior offices gives some influence, but does not transfer the sovereignty of the state. It is true that Scotch presbyterians sit in parliament, but they take the same oaths, and sign the same declaration as protestants; they give the same tests of fidelity and allegiance, and submission to the supreme authority of the state, as protestants of the established church. As to the Scotch noblemen and gentlemen who in the course of the debate have been described as having held some of the great offices of the state with honour to themselves and benefit to the public, they were protestants, and had taken the usual oaths, signed the declaration, and received the sacrament according to the usage of the church of England. The adoption of the innovation now proposed would new-model the constitution, would violate the principles of the reformation, the revolution, the act of settlement of the crown, and the two acts of union; might substitute the pope's supremacy in the place of his majesty's, might discontent the loyal protestants, who have preserved and strengthened the connexion between Great Britain and Ireland, without contenting the Roman catholics; might unsettle the lay and ecclesiastical property of Ireland, might revive all those mischiefs which the revolution was calculated to redress, and might destroy the present establishment in church and state.

Lord *Hutchinson.*—My lords: in the course of this debate, the catholic hierarchy, the priests, the catholic religion, have been treated with the most unqualified censure, and with an asperity which I little expected to find in this enlightened assembly. It is one of the misfortunes of the catholic cause, that, composing as they do the great mass of the indigent population of Ireland, they are liable to every misrepresentation; the crime of the individual becomes the offence of the sect; the highest man in the community is made answerable for the conduct of the lowest: the religion itself is censured for the commission of those very acts which it reprobates and condemns.—Many allusions have been made to the late rebellion. Whatever that rebellion might have been, it certainly was not in its origin a catholic war; the principal leaders were not catholics, whose object it was to depress one religion, in order to elevate another. On the contrary, they aimed to destroy every thing that had been established, every thing that had been held sacred. They declared themselves to be alike enemies to the purity of the protestant worship, and to what they called the superstition of the catholic faith; their intention was to extinguish the monarchy, to put an end to the connexion between Great Britain and Ireland, and in their room to erect a republic without a king, a priest, or a noble. The leaders of that rebellion were certainly too able not to have taken advantage of any circumstance which might have led in the most remote degree to weaken the government, and to render their cause triumphant. They consequently appealed to every bad passion, to every malignant feeling of the human heart. It is impossible that any contest can take place in Ireland, into which the bitterness and poison of religious and sectarian prejudices will not enter: all men who entertain views inimical to the public peace, would naturally seize every occasion to increase those dissensions. It is to be lamented that these arts sometimes operate on the minds of the low, ignorant, and vulgar part of the catholic community; but one cannot be at all surprised when we reflect that the protestant, though generally of a higher class, and much better educated and informed, was too often the dupe of these artifices, and suffered his mind to be biassed, his understanding controuled, and his generous feelings warped by the existence of those very prejudices of which he so loudly complained.—It is impossible to pass over in silence many things which have fallen from noble lords in this debate, without an endeavour to rescue the character of my country and my countrymen from aspersions which, had they been uttered in any other place, I should not have hesitated to have called most unfounded calumnies. As long as there was a resident parliament in Ireland, it was the ignoble policy, the wretched practice of the representatives of the people to libel and malign their constituents. I am sorry to see such conduct imitated here. It was the strongest argument in favour of the union, that an appeal was made from the passions and prejudices of a little country to the temper, the moderation, the cool and deliberate wisdom of a great nation. Miserable indeed is the situation of Ireland, hopeless and without relief are her circumstances, if this her fond expectation, her last, her only remaining refuge is to be disappointed; if by so many sacrifices she has only obtained the dearly bought permission of displaying her miseries on a more extended theatre, where the errors, the misfortunes, the crimes of Ireland are to be re-echoed from one house of parliament to the other, in order to give them publicity to Europe, and that, in future, no foreigner should doubt how weak and vulnerable the empire is in that quarter! Do not, I beseech you, my lords, believe that the Irish are a nation of degraded beings, insensible to the blessings of law, order, and government. There is neither candour nor justice in estimating the character of a whole people by the standard of the conduct of a few atrocious criminals, by excesses committed in moments of heat, irritation, and civil war. By this mode of reasoning, the whole of the French nation would be made answerable for the infuriate and sanguinary spirit which governed and disgraced for years of the revolution the populace of Paris. The virtues of the inhabitants of Ireland, and they do possess virtues, belong at least to themselves, and are peculiarly their own: their faults are the faults of their situation, and of the calamities which have too often distracted and oppressed their unhappy country. The frequent changes of property during the seventeenth century, the persecuting code of the eighteenth, the marked line of separation between the old inhabitants and the new, have established distinctions which nor time, nor circumstances, nor christian charity, nor political necessity have yet been able to remove. It appeared to be the wish of the legislature to create two distinct and separate nations, possessing separate and distinct interests. Unhappily they succeeded but too well—violence will beget violence—oppression will create resistance. When one part of the community enjoys a free constitution, and the other is in chains, the natural consequences must be, that the governors will acquire a spirit of domination, incompatible with every degree of equal liberty; and the governed a spirit of licentiousness and resistance, little reconcileable to law and subordination. This has been the state of Ireland; it is not however the ordinance of the Almighty, but the policy of man. None of those libellers of their country will maintain that it was preordained that man in Ireland was to be indolent, ferocious and savage, and in England civilized and industrious. Seek for the effects arising from human conduct, in human causes. Persecution may have been driven from the walls of parliament, but it has entered into the privacies of domestic life, poisoning the sources of social enjoyment, diffusing dissension and not union, discord and not charity, widening instead of closing the breach between the protestant who conceded with regret, and the catholic who consequently received without gratitude. The legislature appeared to have advanced in vain, the public mind was retrograde, liberality was in the mouths of all, but persecution and rancour were in the hearts of many; the effects of the abominable code of popery laws, survived the code itself; the extent of mischief it had occasioned was not discovered till those laws had ceased in a great measure to exist. What now remains to be granted only insults the catholic without securing the protestant. How the state would be endangered because a catholic peer might sit in parliament, or a catholic gentleman enjoy any office, or represent any county in which he had a large property, I am at a loss to imagine, particularly when the peerage who have the choice, the government who have the disposal of office, the property who have the influence in elections, would still continue protestant. The virtues of men, or the effects arising from their virtues, are transitory and perishable, why therefore should their follies and their prejudices be immortal? Why should religious hatred last for ever? It is certainly a created and not a natural cause of difference. He who believes in transubstantiation and he who rejects it, may certainly think alike on other subjects, and be governed by motives equally pure and honourable as men, as citizens, as christians. The protestant may rejoice in the superior purity of his religion, and lament the darkness which overshadows the mind of his catholic brother: but surely it is not necessary that matters of conscience or of speculative belief should interfere with the active conduct of either. Every relaxation of the penal code has been opposed by the same arguments, which have been again and again answered and refuted. I beg pardon—truth and candour oblige me to confess that in the list of charges and accusations, the pretender has lately been omitted; but the power of the pope, whether he be the prisoner of the directory, or the slave of Buonaparté, whether he vegetate at Rome or be in chains at Paris, is still alike formidable and portentous. The protestant property is still in danger, though that property has been in their hands for five generations; the families of the original claimants are generally extinct, or resident in foreign countries and a considerable number of catholics have purchased and hold their property under the act of settlement and explanation.—A noble viscount has thought it right to assert, that a registry of the forfeited property was in the possession of the families of the ancient proprietors. In all the heat and agitation of debate which has taken place in the Irish parliament on this subject, I never before heard the accusation seriously maintained. If such a record there be, I challenge the noble viscount to produce it—where is it kept? in what families does it exist? The noble viscount also made an implied panegyric on the penal code, when he asserted that during its existence in full force, Ireland enjoyed an uninterrupted state of tranquillity and peace. At this auspicious and vaunted period all the rights of Ireland were invaded, her commerce could hardly be said to exist, her principal manufacture was annihilated, her constitution was subverted, her population was reduced to twelve hundred thousand. This might be peace, but it was the repose of desolation, the tranquillity of a jail, undisturbed by any sounds but the rattling of chains. The protestant was a despot, the catholic was a slave; the protestant surrendered his liberty that he might enjoy his tyranny, the catholic abandoned his country to seek for bread, and found renown in every service of Europe.—I must complain of the want of candour, I must lament the infatuation which prevails on this delicate subject. I am sorry to see the belief of the catholics estimated, not by their own professions and declarations, but by the charges and accusations of their enemies, whom no denial will silence, no test will satisfy. The catholics of the nineteenth century are to be judged and doomed to perpetual exclusion for doctrines and opinions which they renounce, abjure, and abhor, but which were formerly held in remote ages by the bigoted zealots of popery before the dawn of reason, truth, or philosophy had purified religion, and broken through the clouds of superstition. The fate of those who profess the catholic religion in these kingdoms has been rather singular; in the last century, they were proscribed for holding opinions subversive of liberty, and for loving monarchy too much—in this they have been accused of loving it too little, and of changing their doctrines of high prerogative, passive obedience, and divine, indefeasible, hereditary right, for wild, fantastic, mischievous notions of republican liberty and equality. These contradictory charges against the religion of the most numerous body of the Christians of Europe are neither wise, liberal, or founded. Catholicity has been the faith of some of the most illustrious nations, and the belief of many individuals who have done honour to the name of man. Notwithstanding this acknowledged truth, which bigotry itself will not venture to deny, how often has it been insinuated that they cannot be good subjects to a protestant king, because they are not bound by oaths? This mischievous opinion has been sustained with vulgar and mischievous asperity. If it were true, why are the petitioners at your bar? Nothing but their regard for the sanctity of an oath, nothing but the restraints imposed upon them by conscience, obliges them to submit to the various disabilities of which they complain. I certainly despair of carrying this question now, but at the same time I am convinced, that it will hereafter be found absolutely necessary to comply with the prayer of the petitioners; for believe me there is discontent: danger does exist in Ireland, the amount or extent no man can tell. Suffer not therefore the majority of the inhabitants to remain longer under any disabilities; take away every pretence for disaffection, and try a system of conciliation and concession. Procrastination is the fool's resource: policy, state necessity, the situation of Ireland, the critical circumstances of the empire, the willing or unwilling submission of the continent of Europe to the power of France, all demand this measure. What must be done sooner or later had better be done now: what will assuredly be granted, had better be given with the best possible grace. I am sure it is necessary to repeal those laws in order to lay the basis of the future tranquillity of Ireland. After so many ages of wretchedness, confusion and blood, of degradation without, and smothered war within, a final settlement and peace is required; a real, solid, founded, substantial peace, not an empty, hollow, treacherous truce; a settlement which would give security at home, and respectability abroad, which would be the commencement of a new æra in Ireland, when every man might forget the prejudices of a sectarian, and recollect the duties of a citizen. All the power, all the energy, all the exertion of a happy and united people might be brought to the assistance of your threatened empire. That which constitutes your present weakness, would become your future strength; where you are now vulnerable, you would hereafter be invincible. Six centuries have elapsed since the English first appeared in Ireland. Whether that country was or was not conquered, I shall not stop to enquire: to be informed, it is not necessary to open the page of history. All the rugged, shapeless features of conquest are too visible every where. A mile from a great town, every shape and semblance of England vanishes. Religion, language, manners, habits, not only distinct, but opposite; the great charter of liberty suspended; the law inoperative; party violence tearing asunder every Christian charity, every endearing connexion; the protestant in his wrath seeking for his lately emancipated slave; and too many of the lower class of men, in their despair, willing to trample on their allegiance: such is the faint outline of a most disgusting picture, such the state of a country inhabited by a brave, active, intelligent race of men, blessed with some of the choicest gifts of Providence, rising in power, population, wealth, and strength, amidst the bitterness of religious acrimony, popular delusion, and lurking rebellion. No stronger proof can be given of the natural and inherent energies of a country which has still flourished and prospered, notwithstanding the miserable system which has been pursued, and the vicious administration of the government. Ireland is the only country in the world, where it was thought necessary to proscribe by law a great majority of the inhabitants, where the parliament legislated not for the people, but against the people. I voted for the union with a firm conviction, with an assured hope, that it would fortify the connexion between Great Britain and Ireland, heal the wounds of a distracted country, and ensure the future adoption of the catholic body. I voted with that doubt, hesitation, and reluctance, which every man must experience, who, in the triumph of duties over affections, ventures to shock the feelings, the passions, the honest prejudices of his country. I know that I adopted a hazardous experiment. I know that I differed from some of the best and wisest men in Ireland. I am sure, at the time, it was my honest, genuine, unbiassed sentiment. Possibly I might have despaired too soon; oppressed by a sense of present evil, I fondly, perhaps vainly imagined, that nothing would tend so much to stifle jealousies, to allay the restless, ferocious, sanguinary spirit of intolerance, to subdue the fears of the loyal, and the hopes of the disaffected. I may have been mistaken; if such has been my misfortune, I have much to lament, and something to atone for; but the act is done; I was one of those who surrendered for ever the legislative independence of my country. During the discussion of the question, many persons of the best intentions, who had before opposed the claims of the catholics, declared that, after the adoption of that measure, they could see no objection to the repeal of every remaining disability. I therefore entertained a sanguine hope that tardy justice would at length have been rendered to this numerous and deserving body of men, and that the adoption of the catholic body would have consummated and confirmed the union. If, on the contrary, you are only corrupted by our example, and adopt the same prejudices which have so long agitated and distracted Ireland, the union will be no relief to her misfortunes: it may be an union by act of parliament, but it is not an union of interests and affections; it is a settlement which has given dissatisfaction to great bodies of men, without having hitherto afforded contentment to any. The noble lord concluded by reading several extracts from lord Redesdale's speech of the night before; he contradicted many of the assertions of that noble lord, and called upon the Irish peers to rise in their places and vindicate the Irish nation from aspersions highly injurious to their honour, and which tended to degrade that country from the rank of civilized nations.

Lord *Redesdale* felt himself so peculiarly called upon, in consequence of some observations which had been made by the noble lord, that he trusted their lordships would indulge him with a hearing for a few moments. He was not induced by what had fallen from the noble lord to retract an assertion which he had made on the former evening of debate. He asserted, in confirmation of what he then stated, that, from the prejudices of the catholics in Ireland, it was extremely difficult to put protestant children out to service. (A cry of no! no!) He knew the fact, he said, from his official situation in Ireland, where being a trustee for several charitable institutions he knew that the greatest embarrassment arose from the extreme difficulty which existed of putting out protestant children from those institutions to service. It was also equally true that the greatest prejudice existed in catholic families against protestant servants, and that every means were used to render their situation uncomfortable (A cry of no! no! from some noble lords, and of order! from others.) He was not, he said, to be driven from any of his assertions by any contradiction of that nature; he repeated that his assertions were correct, and referred in still further support of them to Mr. M'Kenna's pamphlet, an authority which he did not think would be disputed. On the former evening he had likewise referred to the catholic hierarchy of Ireland, and he now maintained that that hierarchy existed in defiance of the law of the land, the persons who now held the dignities of that hierarchy being the successors of those whose offices the law had declared should be abolished.

The Earl of *Ormond.*—My lords; I trust I shall not be contradicted by any man who really knows any thing of Ireland, when I say the noble and learned lord has stated that which is not a fact, at least in the opinion of any man but himself; and therefore I cannot sit silent and hear the country to which I have the honour to belong, so foully traduced, without rising in my place, to contradict such unfounded aspersions upon the national character of Ireland. The noble lord has asserted, that protestants dare not live in the same families with catholic servants; and that the catholic servants, from their hatred to those of the protestant religion, combine against them. My lords, I know not what may be the state of the noble lord's household, I never was in his house, I never wish it, and I never will be in it; but, my lords, I do know that in my own house, in the houses of all the protestant gentlemen around it, intermixed and surrounded by catholics, and in one of the most catholic counties in Ireland (Kilkenny) catholic and protestant servants live together like brothers. The noble lord has stated, that in Dublin a protestant servant cannot get employment in a protestant family, on account of the combination formed against him by catholic servants. In all my intercourse in Dublin, during a very long residence there, much longer indeed than that of the noble lord, I never once heard any such thing. The only complaint I ever recollect to have heard on this point was, that protestant servants enough could not be had to supply protestant families who had a predilection for such servants—that class of the people in Ireland being by much the greater part catholic. From the tenor of the speech spoken by that noble and learned lord on a former night, and the weight with which every statement respecting the country where he presides in a situation so eminent, must fall under the sanction of his grave authority, I own I did expect this motion would have met, this night, the most virulent opposition from the right revered bench opposite to me. But, unlike the noble lord, nothing has fallen from that quarter but the most calm, decorous, and moderate arguments so truly characteristic of the tolerant spirit and charitable principles of that established religion over which they so worthily preside. But from the noble lord, instead of a most legal, liberal, enlightened, and argumentative speech, becoming the gravity of his character, what have we heard? A collection of old womens' stories, which I do verily believe not even the most prejudiced protestant in Ireland this day would accredit. I have been in Ireland the greater part of my life. I have repeatedly travelled through, and had intercourse with the protestant gentlemen from every quarter of it, and never, in the course of my life, did I hear such statements as those made by the noble lord; and not one of them which will, I am sure, be avouched by any independent man in this house. I hope when the noble and learned lord returns to that bench, on which he presides over the public justice of Ireland, he will divest himself of that violent antipathy towards one sect of the people, and that obvious partiality for another, which he has so conspicuously evinced in this house. My lords, I most cheerfully support the motion before you, convinced as I am of its sound policy, its wisdom, and its justice.

Lord *Boringdon* said, he had no scruple in giving it as his opinion that the existence and full security of the established church was in no way involved in this measure, that whenever it was adopted there could be no possible ground for thinking of repealing any part of the act of settlement, or, as had been mentioned, the 5th article of the act of union; that he fully approved of the terms of the petition on the table; that he saw with satisfaction the reasonable and moderate principles entertained by those on whose part it had been presented; and that he had no doubt that in due time and at a fit opportunity their claims would have their proper weight with all who valued the principles of the British constitution, and who in consequence wished that its blessings should be perpetuated and extended. He argued that though vulgar outcry and popular clamour should never influence the conduct of that house, yet it could not be maintained that their lordships, in their decisions, were to be deaf or insensible to what they believed to be the general sentiment and opinion of the large body of the public. He believed that that sentiment was at present decidedly hostile to the measure; he did not rely merely upon the adverse petitions upon the table, but upon the notoriety of the fact: he believed that if the motion was adopted, a degree of uneasiness and discontent would arise to which no one could be able to look without apprehension and anxiety as to the consequence. He did not, however, look to the continued duration of such sentiments, but spoke only as to their present existence. He objected further to the motion of the noble lord, as its object was single and separate: it went merely to take into consideration the subject matter of the petition, with the avowed view of granting the concessions in question. Those concessions ought at no time to be made without connecting other matters with them. A noble and learned Lord (Redesdale), who had just spoken in explanation, had stated that the Irish Roman catholic hierarchy existed contrary to the law: if that was the case, he inferred that the law not being enforced resulted from prudential considerations, and that it might possibly be found upon a general settlement that the catholics might also have concessions to make. How absurd therefore would it be in their lordships thus immediately and hastily to make these concessions, and thereby limit the means and increase the difficulties of a final arrangement and settlement at a future opportunity? He thought that the Irish Roman catholics publicly and ordinarily calling themselves by titles and appellations which by the law of the land belonged to others was very offensive to the law. Perhaps, in any attempt to come to an amicable settlement of existing differences, they might agree to discontinue or moderate such practice; perhaps in such an arrangement they would consent to have their bishops nominated by his majesty, a measure in his mind eminently calculated to connect the catholic body with the government; and to give to each a common interest and a common feeling, and to remedy many existing evils. This, however, would be a concession on the part of the catholics, and one perhaps which they might not be disposed to make, if we should thus in the first instance have inconsiderately granted all that they require us to concede to them. He doubted much whether the great body of the Irish Roman catholics had really wished this question now to have been brought on. Mr. M'Kenna, an Irish Roman catholic writer of much celebrity, whose opinions could not but have much weight with his brethren, unequivocally expressed in a recent publication his wish that the matter should have been entirely left to parliament. He had also intimated an idea that conscientious doubts and difficulties prevailed upon this subject in the mind of the first authority in the state; and had expressed himself with great sensibility upon that point. He would not pretend to say how far such doubts and difficulties might or might not be founded: but if such feeling and such sensibility could pervade the breasts of Irishmen (who were more distant from the seat of government), and catholics, they could not be strange to the minds of Englishmen and protestants; and if their lordships should experience them, they could not but afford an additional inducement for pausing in the present proceeding. Having always felt an ardent desire that this question should receive an impartial and a favourable discussion, he could not but lament what he felt to be its premature introduction. He feared that it might give a check to opinion, and betray individuals into an hasty expression of a hostile sentiment, to which at a future time, for the sake of consistency, they might think it necessary to adhere. It was a matter of satisfaction to him to think that he had been preceded nearly in the same line of opinion and conduct by two of his Majesty's ministers (Camden and Mulgrave).—He was aware that such a line of conduct might be liable to observation in debate, but he nevertheless flattered himself that it might not be unattended with advantage. He thought that it would be a matter of satisfaction to the respectable body from whom the petition came to know that they had friends on both sides of the division, and that the numbers who divided for the motion of the noble lord did not constitute the whole of their strength; but he hoped that knowledge would not lead them hastily and prematurely to reintroduce the subject; and that the dignified and temperate discussion which the question had received, and particularly the temper and moderation of the reverend bench, would operate as an inducement to such forbearance.

The Archbishop of *Canterbury* stated that, before their lordships consented to resolve themselves into a committee for the purpose of considering in what manner they could best carry into execution the prayer of the petition, entitled the petition of the Roman catholics whose names were subscribed, it would surely be matter of prudence to enquire, whether the principle upon which the petition rested, was such as their lordships could with safety admit. If, in this enquiry, it should appear, that under no possible modification could the principle and substance of the petition be conceded, without danger to the establishment in church and state, their lordships would hardly be disposed to employ their time and talents in devising the best possible means for the downfal of both. What then was the history, and what the substance of the petition? The archbishop could not help considering the petition as the consequence, and natural consequence, of a long series of concessions, obtained by the Roman catholics of Ireland, during the present reign: of which series, the subject matter of the petition, if granted, would assuredly not constitute the ultimate term. His grace begged to be distinctly understood as in no degree calling into question the wisdom of those concessions. Many of them, in his judgment, were absolutely necessary, most of them extremely reasonable, and perhaps all of them in policy expedient. The archbishop, in adverting to them, wished only to discover the causes that had led to the petition in its present form. The Roman catholics had obtained all that belonged to toleration; and it was not to be wondered at, that they should desire, at least, the acquisition of power.—After the 18th of his majesty, which removed from the Roman catholics the restraints that affected the grant and acceptance of leases, and provided against the consequences of the conformity of the son with the established church, so far as those consequences concerned the estates of the Roman catholic parent; blotting for ever from the Irish statute book, that corrupt and unhallowed motive of conversion: after the 22d of his majesty, which enabled the Roman catholic, on taking the oath of allegiance, to purchase and dispose of lands in like manner as his majesty's protestant subjects; and on the same terms, freed the ecclesiastic of that persuasion from the pains and penalties of former acts: after the statute of the same year, authorising Roman catholics to teach schools, and giving new facilities to the guardianship of Roman catholic children: after the 32d of his majesty, which removed disqualifications from lawyers and attornies of that persuasion, sanctioned the intermarriages of protestants with Roman catholics, and repealed laws that prohibited foreign, and embarrassed domestic education: after the 33d of his majesty, which was said to have left the Roman catholic nothing to ask (and well might the assertion be credited); after the 33d of his majesty, which swept from the Irish statute book almost all the disqualifications of that description of his majesty's subjects, modelled the oath of allegiance to the taste and scruples of the Roman catholics, put down the oath of abjuration, the declaration, the sacramental test, and enabled the Roman catholics to vote at elections, to hold commissions of the peace, to execute offices civil and military, and to enjoy all manner of places of trust and emolument, except such as relate to the established church, and such as are expressly specified in the body of the act: after this long string of statutes, each of which, in its turn, was supposed to comprehend and redress all that was of grievance among them, followed, and in his grace's view of the question naturally followed, the petition which was then on their lordships' table. It was for their lordships to determine, in their characters of statesmen and legislators, to what extent these concessions could with safety be carried; but it was idle to complain of the eagerness with which they were pursued.—The substance of the petition was compressed, for their lordships' use and convenience, into one short, but pregnant sentence: "an equal participation on equal terms of the full benefits of the British laws and constitution." If the archbishop had been at liberty to understand the sentence according to the ordinary acceptation of the words, he might have answered that such participation was already possessed: but the framers of the petition, who were doubtless the best commentators of their own work, would not suffer him so to interpret them. Equal participation on equal terms, in their language, signified, admission to places of power and trust, without giving that security for the due discharge of them, which was demanded and given of their lordships, and every other subject of the realm. The object of the petition, couched in very decent and moderate terms, was, nevertheless, of great size and importance. It was no less than a request on the part of the Roman catholics, to legislate for a protestant country; to dispense the laws, to command the armies and navies, and to take share in the executive councils of a protestant kingdom: a request that struck at the principles of the revolution, and by plain, broad, and inevitable consequence called into question the justice and policy of the act of settlement. Such, in the archbishop's view of it, was the history, and such the substance, of the petition on their lordships' table.—The noble baron who, on a former night, moved the question, and who never rose in that house without making deep impression upon it; the effect of great talents, profound information, and singular perspicuity; had endeavoured to connect and implicate the substance of the petition with the general principles of toleration.—The archbishop insisted that he was as sincerely attached to the genuine principles of toleration as any one of their lordships. He considered it as the brightest ornament and fairest grace of that reformed church which is established in this kingdom: but that he could not prevail upon himself to confound toleration with equality, much less with power and eventual superiority. It was not a figure of rhetoric, but a plain fact, resting on historical evidence, that toleration is a virtue that grows naturally out of a sense of security, and cannot exist for a moment, where danger is apprehended. If their lordships should determine to destroy those fences which the wisdom and experience of their ancestors had, with so much deliberation and care, erected around the established church, they would do unintentionally, without doubt, but in the archbishop's judgment effectually, all that was in their power to excite and provoke that bad spirit of animosity and religious intolerance that marked and disgraced the worst pages of their history subsequent to the reformation. On these grounds the archbishop felt it his duty to resist the motion of going into a committee to consider the substance of the petition.

The Earl of *Albemarle*.—My lords, it is not my purpose to go any great length into argument upon the question before you. I rise principally with a view to offer some observations in answer to a noble and learned lord who holds a high situation in Ireland, and whose speech in this debate, I own, creates in my mind no small share of astonishment. It has been well observed by other noble lords, that whatever comes from his elevated authority on a subject wherein it ought to be presumed, at least, he is well informed, must have much weight in this house. Looking to his grave character, and that liberality of sentiment which I expected would have raised his mind far above the vulgar prejudices and idle tales that have filled narrow minds upon this topic, I hoped from him, that whatever might be his sentiments upon the motion before you, they would at least have been delivered with that calmness, moderation, and sound argument, that one would expect to characterise the expanded mind, extensive knowledge, just discernment, and strict impartiality benefitting his high judicial situation, in a country where he forms so important a member of the government, and presides over the administration of justice. But, my lords, how great was my astonishment to find the noble lord, not only opposing the motion with a degree of heat and acrimony little becoming his gravity, but conjuring up the most abominable arguments to support his opposition. Where the noble and learned lord has found his authority for such arguments, and so totally opposite to those sentiments by which he has heretofore been actuated, I am at a loss to account. Upon a former occasion, that noble lord manifested the most liberal zeal in favour of the catholics of this country, and used such exertions to obtain a relaxation of the penal laws, in their favour, as to procure for himself the warmest thanks of those whose cause he has espoused. But such seems the strange bias, I will not call it the prejudice, of his mind against the catholics of another country, that, in order to mark still stronger his dispraise towards those of Ireland, he is lavish in his encomiums upon those of England, and tells us, that the only distinctive characteristics between the protestants and catholics of his acquaintance or neighbourhood in this country, was, that the latter were always the most exemplary, and best conducted men in the parish where they lived. But what is the noble and learned lord's chief accusation against the catholics of Ireland? Why, that they have bishops, by whose guidance their conduct is influenced; and that those bishops have gone the length of calling the right reverend prelate of Armagh, plain Dr. Stuart. But though the noble and learned lord arraigns with so much stress the contumacy of this circumstance, I hardly think the right reverend prelate himself would lay so much stress upon it, or consider it as any infraction of his archiepiscopal rank or diocesan authority. The noble and learned lord has said, that no protestant dares appear in certain parts of Ireland. This, I am afraid, was too much the case in some parts of that country during the furor of the late rebellion. I have heard much the same thing stated by another gentleman; but he said, it was no matter of what religion a man was, if he was but known to the rebels to be a loyal man; for that was the criterion upon which their fury was directed, against men of all sects. This, however, is no argument against the catholics as such, but merely a proof of the barbarism of the lower orders, which I lament, and only blame the government which has presided in the country, not having taken more pains to educate and civilize them. The noble lord next goes to domestic affairs; and he complains of religious antipathies borne by catholic to protestant servants. Some remedy we are told is necessary; but what does the noble lord propose? Not to re-enact the penal laws; not to accede to the petition; but to abolish the catholic hierarchy! and this is the remedy which the noble and learned lord supposes would strike at the root of the evil. I confess, my lords, the expedient does not carry the same weight in my estimation. But those things, which to the minds of other men appear insurmountable difficulties, to the enlightened understanding, and profound discernment of the noble lord, are no difficulties at all. Three hundred years have elapsed since the reformation, which, aided by all the rigours of the penal code, has yet been so unsuccessful in Ireland, that still above three-fourths of the population continues catholic. The Irish papists, it seems, according to the noble lord, do not understand English; but, from the nature of their education, they are better acquainted with Latin; therefore, says the noble lord, you have nothing to do but translate the bible and church liturgy into Irish, and preach the reformed religion in that language, as has been done in Wales, and you at once convert the whole country into protestants. Here again, I own, that I much doubt the success of the noble lord's project; for, though you might find an Irish congregation to understand, I fancy you would find it rather difficult to find protestant clergymen to preach or pray in that tongue. But it is said, if you grant this measure to the catholics, you will have the presbyterians and all the different sects of dissenters claiming similar indulgence. My lords, if it be just and politic to grant the claims of the catholics, I cannot see why you should refuse them, because others may claim something else afterwards. If the catholics are quiet, it is said, give them nothing, they do not ask for any thing; and if they do ask, it is said, give them nothing, for they are turbulent. It is always too soon or too late to hearken to their petitions. The periods of peace or war are equally unpropitious to their hopes. Some noble lords emphatically resist this petition because it is brought forward at this time; who tell us, in the same breath, that they think it proper at no time, and will resist it at any time. But, my lords, I own I am utterly at a loss for arguments to meet such contradictory objections as these. But then comes the grand objection of all:—Not satisfied with the loyal conduct and peaceful demeanour of the catholic body in Ireland, you still question their sincerity. You propose to them test after test, and oath after oath, to prove their loyaly and attachment to the state; and after they have taken those tests, and given the most solemn assurances you could demand, it is then said, they are not to be believed upon their oaths, as it is a fundamental article of their religion, that no faith is to be kept with heretics; and that the pope may absolve them from allegiance to a protestant king. Now, my lords, if this were really the case, how can we account for the reluctance of the catholics to take the only oath that stands between them and all they wish? Is it fair to admit such a charge against them from their enemies, which they have repeatedly, and in the most solemn manner disavowed and abjured? But, my lords, I will refer to better authority than the assertions of their enemies; namely, to the authority of the most eminent catholic universities in Europe, for their opinions upon those points, obtained at the special instance of a right honourable gentleman at the head of his majesty's councils in the year 1789. I speak of the universities of the Sorbonne, Louvain, Doway, Alcala, Valladolid, and Salantanca; all of whom solemnly deny such doctrines, and complain of nothing more bitterly than the calumnies of their opponents upon this head. My lords, the question propounded for the answers of those several universities, were three, which I shall read to your lordships:—Has the pope or cardinals, or any body of men, or any individuals of the church of Rome, any civil or political authority, power, jurisdiction, or pre-eminence whatsoever, within the realm of England? Can the pope or cardinals, or any body of men, or any individuals of the church of Rome, absolve or dispense with his majesty's subjects from their oath of allegiance, upon any pretext whatsoever? Is there any principle in the catholic faith by which catholics are justified in not keeping faith with heretics, or other persons differing from them in religious opinions, in any transactions of a public or private nature?—My lords, these several queries have been answered by those several universities at considerable length, and decidedly in the negative.—"The faculty of divinity at Louvain answer, that they are struck with astonishment that such questions should, at the end of this eighteenth century, be proposed to any learned body, by inhabitants of a kingdom that glories in the talents and discernment of its natives." The first and second queries they answer unanimously in the negative; and they do not feel it incumbent on them to enter upon the proofs of the opinions which they hold, supported by the Holy Scriptures and the most eminent writers of their religion, ancient and modern, against the doctrines of Bellarmine, Du Perron, and many others, which they deeply lament, were favourably heard by the court of Rome in the dark ages, and even found its way into the councils of kings, to the production of infinite detriment to the church and republic of christianity, and the deluging of Europe with blood; they totally and utterly deny that any such power whatever exists in the catholic church, or its members, individually or collectively, pope, cardinal, council, or general assembly, to deprive any sovereign power of its temporal right, possession, government, jurisdiction, or pre-eminence, or subject it to any restraints or modifications; and that this opinion they hold, as founded in the doctrine of truth, of the apostles, and of the church, delivered down from the fathers and prelates; and though defaced and obscured by the filth heaped upon it in the middle ages, yet not obliterated. They state that this opinion is not peculiar to themselves, but that there is no society or learned body, nor any one learned man in the whole catholic world, who is not ready to subscribe to it with both hands: and, with respect to the third point, the faculty, after professing equal astonishment that such a question should be propounded, do most positively and unequivocally answer, that there is not, and that there never has been, amongst the catholics, or in the doctrines of the church of Rome, any law, principle, or tenet which makes it lawful for catholics to break their faith with heretics, or others of a different persuasion from themselves in matters of religion, either in public or private concerns; and they quote the authority of an illustrious member of their faculty two centuries ago, that such a doctrine is most impious and pestilential, ascribed to the catholics by those men who, rather than peace should be made with them, wished to throw every thing into confusion, and thus no harmony, no articles of peace, of equity, or honesty might be received by persons differing from them in religious matters.—To the same questions the answers of all the other five universities I have named, are, in effect, precisely the same; all solemnly and utterly denying and abjuring such abominable tenets. Considering, therefore, the authority of those universities, as to what are or are not the tenets and doctrines of their own religion, infinitely better than that of those who ignorantly assert the contrary, unsupported by any authentic proof, I own I cannot feel with those who are for rejecting the claims of the catholics to those eligibilities which, it is even alleged, can gain them nothing. In this advanced stage of the christian religion and of social civilization, I hold it to be highly essential to the happiness, the security, and the prosperity of this united empire, to do away all differences between his majesty's subjects, founded on distinctions in religion; and, notwithstanding what has fallen from the right reverend prelate who spoke last, and to whose authority I certainly feel disposed to pay every respect, yet I cannot feel with him that there is any danger to the protestant establishment from the vote I shall this night give, in favour of the motion for going into the committee.

The *Lord Chancellor* rose to discuss the subject, with temperance and moderation. The noble lord who introduced the subject, had said it was one highly fit to be entertained. If it was so fit to be entertained upon constitutional principles, he sincerely prayed God that it might be entertained; but if its tendency, as had been ably argued, was to subvert those blessings under that constitution, which not only the protestants of this country, but every other class of his Majesty's subjects in the country enjoy, both civil and religious, he hoped it would not be entertained. To say the measure never shall pass, would be a language not fit for any man to use who was fit to have a seat in that house. But at present, and in his view of the subject, it was a question inconsistent with the principles of that constitution which had been introduced into this country upon protestant principles; and, therefore, feeling as he did, that it is a question opposed to what he conceived to be the true principles of that constitution, and the law as it stands, he should feel that he was not doing his duty if he did not oppose it; and in so doing, he conceived himself acting consistently with that zeal and sense of duty which he hoped would actuate the majority of their lordships, to transmit to our posterity that constitution in as much purity as we had received it from our ancestors. It had been said that the petition was couched in respectful language. He would admit it was. But the question was not, whether the language of the petition was respectful to the house? but, whether it was wise, just, or expedient to comply with the prayer of that petition? It was said also, that the petition was in behalf of four millions of his Majesty's catholic subjects; but it was not the numbers who signed a petition, but the object of the petition itself, and the reasonableness and justice of complying with that object, that should rule the consideration of the house. The noble lord then, at very considerable length, and with his wonted ability, went over the whole ground of principle upon which the subject had been already debated, and contended that every thing which religious toleration demanded, had been already conceded to the catholics; and that they had now no political grievances whatever to complain of, that do not equally affect most other descriptions of his Majesty's protestant subjects. The constitution demands oaths, tests, and qualifications from those who are to be entrusted with parliamentary representation or official power: our liberties were sustained by a system of checks. The elective franchise was limited; the representative must prove the qualification of him required; the dissenter must conform to the oaths presented for the protestant. The eldest sons of the peers of Scotland could not be returned as representatives in parliament for that part of the kingdom; and, in short, no prohibition now remained upon Roman catholics that did not attach equally upon many other descriptions of his Majesty's protestant subjects. Nay, the Roman catholics of Ireland had more license in the oath they were required to take than protestant dissenters in England; for the former were only required to swear allegiance to the king and his family; but in England the oath was to the king and his family —being protestants. The basis of the British constitution was not founded upon the principle of equal rights to all men indiscriminately; but to all men conforming and complying with the tests which that constitution demanded for its security. The noble and learned lord argued at much length the danger that must arise to the act of settlement and the bill of rights, if a protestant king in this country were to have a catholic cabinet; and he quoted the expressions of the celebrated lord Sommers on the 11th and 12th of William and Mary, containing the coronation oath, that ought to be reverenced as the Magna Charta of the British constitution. The noble and learned lord alluded, in the course of his speech, to the observations made by lord Redesdale upon the contumacious conduct of the Irish catholic bishops, in not only assuming, contrary to law, the high titular dignities, but all the ecclesiastical functions attached to that rank in the established church; and said it would have belonged to the character and firmness of his noble and learned friend the moment he discovered those men assuming the titular dignities of the established episcopacy, or discharging their functions in ecclesiastical polity, in open rebellion against the laws, to have directly conveyed a formal complaint to his Majesty, and to have commenced legal proceedings against them.

The Duke of *Norfolk*.—My lords, notwithstanding what has been alleged by noble lords, that no pledge had been held out to the catholics of Ireland at the period of the union, to grant, as a condition of that measure, the final emancipation their petition now claims, I have had very strong grounds to rely that at least such an understanding was forcibly entertained; and I am therefore for going into the committee, if it were only to investigate the terms upon which the union was negotiated, in order to discover the truth. The noble person, under whose administration that measure was negotiated (Marquis Cornwallis) has rendered many signal and important services to the British empire; and none more important than the acquisition of that measure. I have been very credibly informed, that under that administration, assurances were held out to the catholics of Ireland, from the highest authority, that their final claims should be ceded, as a condition for their acquiescence to that measure; for, otherwise, the union could not have been carried. The refusal now will be to them, therefore, a bitter disappointment: they will conceive themselves the dupes of false promise and deception, and their minds will feel all the irritation natural to men of any sensibility under such circumstances. A reverend prelate has talked of toleration in the mild and beneficent principle of the church of England. In the spirit of that principle, therefore, I wish your lordships to act on the present occasion, and not to persist in a principle of excluding British subjects from their natural and political rights, merely on account of their religious opinion. It is the church of Rome which withholds from its votaries the right of exercising their own judgment upon religious topics, and to dictate to men's minds the points of faith; from which it allows no man to hold a different opinion, even in a single iota. But to the energies of our ancestors we owe that resistance to such despotism over men's minds and consciences which produced the reformation, and with it the freedom of religious opinion. It becomes, therefore, the enlightened liberality of a British senate, enjoying themselves that freedom of opinion, to allow to all men the right of thinking as they please in matters of religion. How can a belief in the doctrine of transubstantiation, or any other speculative tenet in religious faith, influence any man's conduct on political subjects? or the difference between a belief of seven sacraments or two, render a man peculiarly fit or unfit for political confidence or parliamentary representation, who has the same education, is born and educated under the same government, and holds the opinions in common with other subjects in this realm upon political topics? or, where is the ground of apprehension that men who have received all their opinions under a British constitution, will, when they are admitted to participate in all the blessings of that constitution, which they now anxiously pray, endeavour to excite anarchy for the purpose of subverting it, and of erecting in its place a foreign tyranny, and restoring the despotism of the Romish church? If any thing could excite a disposition to anarchy, it would be the perpetual refusal of admitting the catholics to the blessings of a constitution, in which, once affiliated, every disposition to anarchy or even discontent must cease, and a real union of interests and attachments follow. A noble and learned lord on a former night (lord Redesdale) has complained much of the influence of the Roman catholic bishops, and their contumacy in assuming episcopal functions; but in a religious point of view, I conceive them to be as much bishops, and to have as good a right to exercise episcopal functions for the spiritual direction of their own sect, as any right reverend prelate on that bench. If they abuse those functions by any tyrannical exertion of them, they are indeed highly reprehensible, and would really deserve punishment. But the noble and learned lord, at the same time that he complained of the influence of the catholic hierarchy, the slow progress the reformation had made in Ireland, and the unwillingness of protestants to reside in some districts, owing to that influence, stated also another cause, to which I am much more inclined to attribute those circumstances, namely, the state of the protestant churches in Ireland, of which the noble and learned lord had drawn so deplorable a picture. How is it reasonable to expect that protestants, having any sense of their religion, would reside in parishes, above one thousand of which, and many of them good livings, the noble and learned lord has stated there are in Ireland, where there is neither protestant church nor protestant clergyman—and which parishes, as he states, are anxiously sought for as sinecures by protestant clergymen, whose duty it is to preach the Gospel, and to propagate the reformed religion? or how can it be expected that Roman catholics are to be converted to that religion in those extensive quarters of the country where it is never preached? I earnestly hope that this subject will seriously occupy the attention of parliament, and that some means will be contrived to remedy so glaring an evil. But, my lords, feeling no apprehension of the slightest danger from granting the prayer of this petition, I shall vote for going into the committee.

Lord *Harrowby* could not agree that it was a fit moment to agitate the question, if their lordships were not prepared to think it a fit moment to concede what was asked.

The Earl of *Westmorland*.—My lords, having been one of his majesty's servants at the time the union was framed, having been in some degree alluded to in the course of the debate, and the importance of the measure, will be my excuse, however ably the subject has been debated, for stating the grounds of the vote I shall give this night. Having, whilst I had the honour of serving his majesty in Ireland, twice given his majesty's sanction to important favours to the Roman catholics of that kingdom; having been twice thanked by that body, and assured that the period of my administration would ever be remembered with gratitude by the catholics of Ireland, I trust, in giving my decided negative to the motion of the noble lord for a committee, it is unnecessary for me to relieve myself of any suspicions of being actuated by superstition or bigotry, or a want of principles of liberality or toleration. To toleration in the exercise of his religion and enjoyment of property, every subject, except under imminent circumstances, has a right; beyond this the exercise of political power is a question not of right but of expediency; a right which every state has exercised, which every state will exercise, in defiance of all the new theories, in defiance of the doctrines of the rights of man, and the bleeding example of the French republic.—Before I enter into the discussion of this question, I will preface two observations: first, notwithstanding the new opinions, that in this country the ecclesiastical establishment is inseparably connected with the state; with it the country has grown to greatness, and whatever has a tendency to weaken or destroy the establishment of the church, tends to the destruction of our monarchy, our liberty, and our political existence: secondly, that all the examples that have been produced of persons of different religions being allowed to serve the state in other countries, in no degree apply to this kingdom, as those countries are subject to arbitrary government; and I will venture to say, that no instance can be shewn of a free state, with a free parliament, in which persons professing a faith distinct from that establishment have obtained much weight and consequence. In discussing this question, it should be considered what is asked, how what is asked is to be attained, and what is to be substituted in the place of that you take away.—What is asked is catholic emancipation, a term unfitting for this question, or for this assembly. Emancipate the catholics! Do they require the prætor's wand to be released from servitude, to hold property, to be protected in their persons and property? They are as free as any subjects in the world. Do you talk of emancipating copyholders, custom-house officers, excise officers? The term, as it was first intended, applies to emancipate Ireland, that is, to separate Ireland from the government of, and connexion with England.—But what is asked? to abolish all distinctions between protestant and papist, to place the papist upon an equality with the protestant; whilst any distinction remains, however high or special, the grievance remains. This is as it is asked, as it has been argued. For this purpose you cannot move a step without the repeal of the test and corporation acts. In the opinion of many, and to the extent to which the arguments lead, you must also repeal the act of supremacy and uniformity, the bill of rights, the act of settlement, the act of union with Scotland, and alter the king's coronation oath. There perhaps will arise a question between original compact and the supremacy of parliament. Unquestionably our laws are not like those of the Medes and Persians, that alter not; unquestionably no parliament has greater power than the succeeding one; but to this only I argue this question, that, considering the solemnity attendant upon these laws, it is most unwise to raise doubts, and agitate the minds of men upon points which, even in the opinion of many, strike at the settlement of, and right to the crown itself, without urgent and pressing necessity, without being convinced, first, that you will do no harm; next, that you will do essential benefit; and, lastly, that you have a plan to establish, for that you mean to take away. Now, what are the reasons assigned for this measure?—that it will tend to the settlement and tranquillity of Ireland. Serious as I consider many other parts of the subject, if I thought it would have that effect, I would enter into a consideration of it: but it is because I am of a diametrically opposite opinion; because I am convinced that, at this period, it would plunge that country into confusion, I am decidedly against it. I should be glad to ask, if it is likely to tend to the tranquillity of a country composed of two descriptions of inhabitants, the one possessed of the property and the magistracy, few in number, contending and protecting themselves against the more numerous class, to open every situation as a scene of contest? I consider the first operation of this measure to be, to make this country a scene of confusion, corruption, and riot, not only for parliament, but for magistracy, and situations in all the towns, as described by Lucan,

> Lethe lisque ambitus urbis
> Annua venali referens certamina campo,

The priest at the head of his flock, leading them to every outrage, and religious bigotry carried to the utmost extent. The power of the protestant landlords would have no effect against a religious combination.—Next, what are the causes of the discontents in Ireland? high rents, heavy taxes, tithes, the property possessed by persons speaking a different language, of different manners and habits from the peasantry, a double clergy, the protestant clergy in affluence, the catholic in poverty. May I ask, which of the grievances will this act touch? will it lower rents or taxes? will it alter the state of property? will it teach the landlords Irish, or the peasants English? will it lower tithes? will it make the protestant clergy low, and raise the catholic priest? perhaps it may, and here is the difficulty. If this operates lightly and gently, as possibly it may, it would not affect the mass of the country; if it operates to affect the mass, it may operate to an extent that may be fatal to the British connexion. I have long entertained an opinion, that the discontents of Ireland have arisen from other causes, and not from religious disabilities. Let us examine history; I shall not go into the discarded code, except to ask if so much was said upon it for the sake of tranquillity? First, I look to the year 1782; then all the grievances of the nation were brought forth by the patriots of that period, various,—simple repeal, independent parliament, free trade; not a word of religious grievances. I proceed to 1789; grievances enough, wrongs enough of a noble marquis, wrongs that will never be forgiven by those who wished to risk the separation of the countries for the sake of party, nor forgotten by those who know that, by his ability and firmness, he preserved that kingdom to his sovereign, and the connexion between the countries. The parties in parliament, and the Whig Club, stating all the grievances; not a word of religious grievances. Is it to be believed, that the great patriots of the day should not have mentioned religious grievances, if any such oppressed the people? I proceed farther to the year 1791; relaxation was given to the catholics in England; the Irish catholics naturally applied; what happened? the Irish house of commons would not grant the claims; no—they threw the petition off the table, twenty-three only objecting.—Now I argue not the right or the wrong on this subject; but this I contend, that the great patriots of that time would not have rejected these petitions if the state of the laws had been an oppression to the country. When, then, was the discovery made? why as soon as it was discovered that the government of England wished to do every thing that was proper for the catholics, then the grievance was made out, then the patriots began to cry out; and whatever was given, the determination was to ask for more, so the more we give, the more we shall be asked, till your lordships have nothing more to surrender. May it be asked what has been the effect of the concessions of 1793? The catholics were relieved from every law affecting the mass of the people. The profession of the law was opened, the magistracy, right of voting, freedom of corporations, trades, &c. What happened immediately? universal insurrection, devastation, and cruelty. May I venture to ask then, if it is probable that those who returned treason for kindness, and murder for favour, upon points that directly affected them, are likely to become mild and grateful subjects for favours that affect them only distantly and collaterally? Upon this point of the argument I beg to be distinctly understood. I do not bring this argument against the measure; if it is right with a view to the catholics of Ireland, let it be done; if it is right with a view to the catholics of England, if it is right upon general policy, let it be done; but let no man's mind be influenced in deciding upon this question by the opinion that concessions of this nature are likely to tranquillize Ireland. We are told it arises out of the union; how? was it promised? certainly not. Did the catholics carry the union? certainly not. Was the question tried at the union? why, it was previously rejected by both parliaments before the union, and at the time of the union itself, it was a strange sort of expectation that what both parliaments rejected before and at the union, should be done as soon as they were united. But is it not well known that the measure could not have been carried if this proposition had been clogged to it? Is it not well known that the most zealous friends of that measure would have opposed the union if this had made a part, considering it as leading to the separation of the countries? "But it will please the people of Ireland." Are you to learn that there are two descriptions of persons in that kingdom? will it please the protestants of Ireland; those who carried that great measure, those who preserved that country to this? It seems as if noble lords had forgotten such people existed; I have not heard mention of them from any one of them; a people by whose loyalty and courage, in a situation unparalleled, that kingdom was secured; whose conduct was never equalled by any description of men in any country. Why, then, what must be done? I say, "let the union alone," let that great measure alone, let it work, as it has begun, the settlement of that country, and let not the operations of that great measure be impeded by bringing the catholics forward at an unfit season, to be made the tool and sport of British factions.—In considering the petition several observations might be made, but I shall confine myself merely to two; the first is, an insinuation that the catholics have not the benefit of equal justice. Now, for one, I beg leave to observe on the unfairness of this insinuation, and to defy any man to shew that equal justice in that country is not done to every man of whatever religion or description he may be. Secondly, that the petition is signed by no priest. From this three observations may be made; first, that the priests disapprove of the tenets and declarations contained in the petition, and do not choose to give it their countenance; secondly, the one which surprised me, and which the noble lord seemed to countenance, that, as its requests did not affect their order, they did not choose to sign it; that it did not go far enough, and therefore did not deserve their application. To neither of these observations shall I give any weight, but I will give one more fitting the conduct and character of that reverend body, the superior clergy of whom, from every thing I experienced, I shall always speak with respect. The reason that I conceive why the priests did not sign the petition is, that they disapproved of the season; that they who knew the state and temper of their own people, the state and temper of the protestants, knew that the time was unfitting for the discussion; that neither party had forgiven the sufferings and injuries of the late rebellion, and that to revive the consideration of this question would only be to revive the horrors of the rebellion. They therefore, in which I concur with them, wished to postpone the consideration of their situation to a more favourable moment; and when, as was ably observed, so very few persons have signed this petition from several parts of Ireland, it may be argued that a large portion of the catholics concur in this opinion with the priesthood.—Having looked at this question as it related to Ireland, let us extend our view to its general effect. What is the state of England, of Scotland? perfectly quiet; no religious jealousy, every man worshipping the Deity according to the form he approves. Will the noble lord ensure the continuance of such a state if this motion is complied with? And here an observation should be made; the Irish parliaments, taunted as they have been as bigots and oppressors, in 1793 gave considerable privileges to the catholics; have the English done so to their catholics, whose loyalty and good conduct has been unimpeached, and against whom suspicion never broached a whisper in their disfavour? The argument of the dangers attending the measures in Ireland not applying in England, why did not the noble lords propose relaxations to the same extent? because the state and temper of the country would not bear the proposition. What is the case of Scotland? why even the laws of 1791 were not extended to that country. What is to be argued from this? that those who had the management of Scotland knew the state and temper of that country would not bear the discussion; that it would be injurious to the catholics, injurious to the protestants, May I then ask, what has happened to induce you to throw this measure wild upon the country? Does any man wish to renew the horrors of the year 1780? Is any man sure that the cry may not be raised that the church is in danger, and may there not be some ground for this alarm?—It was very ably shewn, and I shall not again go go over the ground, that this question might throw the one hundred Irish members and the whole power of Ireland into the hand of the catholics. Calculate what the dissenters of this country are; add to these those of no religion, those willing to sacrifice the establishment to free themselves from tithes and taxes; consider the tempting state of the possessions of the church as a source of taxation; contemplate the effects of an union of these bodies acting systematically, forming subscriptions; recollect that parties may be in this country who would go all lengths to attain and maintain power, and nobody can calmly say very serious attacks might not be made on the establishment of the church. We are told this is not a time to exclude men from the service of the state for religious opinions. In the first place, in Ireland the catholics are not generally excluded; and secondly, it is not on account of religious opinions, but because they will not acknowledge the supremacy of the king, and come, in a general way of considering the subject, within the provisions of the 24th of Henry the Eighth. We are likewise told, that the fears of the pope and pretender are gone by; of the latter certainly, except by arguments there seem some attempts to set up his title. But the pope has no power. It is not the power of the pope, but the power of those over whom the pope has influence, that is to be considered; and if that unfortunate person, having disgraced his reverend hand by anointing an usurper, is a prisoner in his capital, and under his authority has a communication with Ireland, and spiritual mixed with civil authority appointing the hierarchy of the country, who can deny this is a solecism in politics, and cannot be contemplated without apprehension?—But what I most disapprove is the manner in which this question is brought forward. Whoever proposes a change of so important a nature as this is, whoever proposes to alter laws, ought to explain the whole plan and the whole project.—It was said that, in the consideration of restrictive laws, all that excluded persons from equal power, the onus lay upon those to shew cause who wished for their continuance. Is it so? I know not how the people of England will like to hear that they are to shew cause for the protection of the corporations and their franchises against universal suffrage of freeholders against copyholders; but for one, I am ready to take the onus. "What have you gained by the war?" was frequently asked; what was the noble lord's answer? "that I have survived the shock under which other nations have sunk," quod spero tuum est. I listened with considerable attention to hear what was to be proposed. The first noble lord was all general, and seemed to profess only a compliance with the petition in aid of this favoured sect; forgetting all others upon equal claims, though his argument went to the full extent to them; but no guard, no declaration of what was to be put in the place. I attended with great anxiety to the next, in the blue ribbon, fully convinced, by his mature judgment and discretion, that he had some distinct plan to produce, which, whilst it gave liberty in one instance, would set up some substitute and guard on the other. Not a word.—As to the third noble lord, from the extent of his arguments, I heard at least nothing in favour of any religious establishment. We ought to see the whole plan and the whole project, that we may be sure, when we come into this committee, any two of the proposers may agree upon what they would wish to have done. I shall be glad to see this new work of Vauban, and to know if I cannot proceed against it by sap or storm with more prospect of success than against this ancient castle, which has been fortified at every point where danger has threatened.—We have been told that this proposal is to strengthen the church establishment, to produce the tranquillity of Ireland, and secure the settlement of the union; but I must look not at the professions of the proposer, but at the tendency of the project; and as I am convinced that its discussion at this improper and unfitting period will, instead of strengthening, shake the establishment of the church; instead of tranquillizing, will convulse the kingdom of Ireland, and instead of cementing the union, will risk the separation; I must beg the noble lords not at such a moment to hazard the horrors and the miseries of religious contests.

The Bishop of *St. Asaph.*—My lords, in delivering my sentiments upon this subject, I hope I shall be able to maintain that temper of cool discussion, which a question affecting so numerous and so respectable a description of his majesty's subjects, a question so important and momentous in its bearings and consequences, demands.—My lords, if I should feel it to be my duty to resist the prayer of this petition, my vote will not be founded upon any uncharitable sentiments, entertained by me, of that branch of the christian family, which holds communion with the church of Rome. I shall easily find credit with your lordships for this assertion; I shall easily find credit for it with the country; I shall easily find credit for it with the Roman catholics themselves. For of every measure that has been brought forward, during the time that I have had a seat in this house, for the relief of the Roman catholics from the old penal laws, it is well known I have been a strenuous supporter; some measures of a contrary tendency, I have strenuously and successfully resisted.—My lords, I do not hold, that there is any thing in the Roman catholic religion at variance with the principles of loyalty. I impute not actual disloyalty, far from it, to the Roman catholics of this kingdom at the present day. I do not believe that any Roman catholic of this country at the present day, thinks himself at liberty not to keep faith with heretics, nor bound by his oaths to a protestant government, or that the pope can release him from the obligation of his oath of allegiance to his sovereign. The questions upon these points, which were some years since proposed to foreign universities, and to the faculties of divinity abroad, and the answers that were returned, which a noble earl this evening read in his place, were no news to me. I had a perfect knowledge of the questions proposed, and the answers returned; in which these abominable principles were most explicitly and unanimously reprobated by the learned bodies to which the questions were propounded. And I am persuaded, that the Roman catholics of this country are sincere in their disavowal and abjuration of those pernicious maxims. I hold, that the Roman catholics of this country are dutiful and loyal subjects of his majesty, and I think them as well entitled to every thing that can be properly called toleration, and to every indulgence which can be extended to them with safety to the principles of our constitution, as many of those who do us the honour to call themselves our protestant brethren; the Roman catholics indeed differing less from us, in essential points of doctrine and in church discipline, than many of them. But my mind is so unfashionably constructed that it cannot quit hold of the distinction between toleration and admission to political power and authority in the state. The object of toleration is conscientious scruples. I conceive that the Roman catholics already enjoy a perfect toleration. The statutes, which exclude them from offices of high trust and authority in the state, are not penal. Such exclusions are not penalties, and the relaxation of those statutes would not be toleration. It would be an indulgence of a very different kind. And although I wish the Roman catholics should enjoy toleration in its full extent, that they should be subject to no penalties for any religious opinions which may be peculiar to them, to no restraint in the use of their own forms of worship among themselves; yet I could not, without anxiety and apprehension, see a Roman catholic upon that woolsack, where my noble and learned friend now sits, or on the bench of justice so worthily occupied by a noble and learned lord at my right hand. My lords, this petition goes this length. It prays, that a Roman catholic may be invested with the capacity of being any thing in the state, but king. Now, if there would be no danger to the constitution, to admit a Roman catholic to be any thing but king, if this would be a safe thing to do, I confess it is beyond the powers of my mind to imagine upon what principle the act of settlement can be defended.—My lords, my mind is not yet brought to that modern liberality of sentiment, which holds it to be a matter of indifference to the state, of what religion the persons may be, who fill its highest offices. I hold, that there is danger to the state, when persons are admitted to high offices who are not of the religion of the state, be it what it may. And I am ready to argue this very fairly; I think in my conscience, that I myself, being a protestant, should have been a very unfit person to have held any high office under the old French government. My lords, the noble secretary of state, in the former night's debate, argued this point of the inexpediency of admitting persons differing in religious persuasion from the state; he argued it from the practice of antiquity; and he argued justly. It certainly was the policy of all the states of antiquity, to require that persons in office in the state, should be of the established religion of the country. I shall argue from the sad experience, which modern times afford, of the mischief of giving way to the contrary principle. Having said that I will argue from modern times, I may seem to be going somewhat back, if I mention the

French Hugonots. But they are an instance in point. I will say, that the Hugonots were very bad subjects of Roman catholic France. They became bad subjects in consequence of the extravagant indulgences, which, for a long series of years they were permitted to enjoy. They became at last so bad, that the French government was provoked to revoke those indulgences; and the cruel persecution took place, which drove them from their country. The persecution was cruel, but it was the natural effect of impolitic indulgence; and such indulgence may always be expected to terminate in such cruelty. But I rely chiefly on the events of much later times;—of our own times. I ask, what was the real beginning and radical cause of that dreadful convulsion, which, at this moment, shakes all Europe? What was the real beginning and first cause of the subversion of the ancient French government, and of the overthrow of the venerable Gallican church? Was it not the placing of Neckar, that protestant republican, at the head of the counsels of monarchical Roman catholic France?—Now, my lords, if there be danger in admitting a protestant to any high part in a Roman catholic government, the danger certainly must be rather greater of admitting a Roman catholic to any high part in a protestant government. And for this reason; that the Roman catholic pledges his obedience, within a certain limit, to a foreign power, which is not the case of the protestant. I say, within a certain limit. For I am aware of the distinction, between the spiritual supremacy of the pope, which is all which our Roman catholics acknowledge, and his authority in civil matters, which they renounce; and I believe them to be perfectly sincere in that renunciation. But, there is such a connexion between authority in spiritual matters and in civil, that I apprehend some degree of civil authority may indirectly arise out of the spiritual supremacy; insomuch that the conscientious Roman catholic may sometimes find himself hampered between his acknowledgment and his renunciation. It is true, however, that the Roman catholics of this part of the united kingdom, explicitly renounce even that indirect authority of the pope in civil matters. For the English Roman catholic swears, that "he does not believe, that the pope of Rome, or any other foreign prince, prelate, state, or potentate, hath, or ought to have, any temporal or civil jurisdiction, power, superiority or pre-eminence, directly or indirectly, within this realm." I very well remember, (and I have reason to remember it, for I had a great share in that business,) that when the oath to be imposed upon the Roman catholics was under consideration in this house, there was some hesitation about the word "indirectly." Some of us thought, that it would be pressing too hard upon the conscience of the Roman catholic to make him abjure that, which might seem to be an appendage only of what he was permitted to acknowledge. The word however was after some debate inserted. It stands in the oath, and the English Roman catholic abjures even that indirect authority of the pope in temporal and civil matters. Still I fear, the line of demarcation between spiritual and temporal, it may not always be easy to define. And I must observe, that the Irish oath is not drawn with the same precision. The word "indirectly" is omitted. And there is another important omission. The Irish Roman catholic does not, so explicitly as the English, bind himself to maintain the protestant succession.—My lords, having mentioned these oaths, I must take occasion, in justice to the Roman catholic clergy of England, to set right a matter, which I think was inaccurately stated by a noble and learned lord, in the former night's debate. That noble and learned lord seemed to think, that the Roman catholic clergy of this country scrupled to make those abjurations, which their laity have made. And he told your lordships that, when the bill for the relief of the Roman catholics was brought into parliament, the apostolical vicars put forth an encyclical letter forbidding the people of their communion to take the oath prepared for them. Now, it is very true, that the apostolical vicars forbad the taking of that oath, which stood in the bill originally brought into the house of commons, which actually passed that house. But their objection to the oath was not, that they were unwilling that their people should swear to the maintenance of the protestant succession, or to the renunciation of the pope's indirect as well as direct authority in temporals; but the oath, as it was framed in the lower house, contained some theological dogmata, which they deemed, and in my judgment rightly deemed, impious and heretical. The dogmata, to which I allude, amounted to an abjuration of the legitimate authority of the priesthood, in the administration of what we churchmen call the power of the keys. Abjurations, which I, a protestant bishop, would not make, and I should impute great blame to any priest of mine, who should condescend to make them. It was on account of these abjurations, that the apostolical vicars reprobated the oath as it stood in the first bill; and when the oath was amended in that part, as it was in this house, the vicars apostolic made no further objection. On the contrary, when the bill had passed, they exhorted their people, clergy as well as laity, to take the oath as it now stands, and they have I believe themselves taken it.——My lords, at the beginning of this debate, although I never thought of consenting to the prayer of the petition in the extent to which it goes; yet, I confess, the inclination of my mind was not to oppose the motion of going into a committee. I thought it might best become the gravity of your lordships' proceedings, to consider the subject in detail, to examine the petition, article by article. For, I hold not with those, who think that because the whole, or any thing like the whole, cannot be granted, nothing be conceded. And it was not till the debate had made a considerable progress, that my mind was changed. But I must declare, that it is now completely changed, by the representation that has been made to us by very high authority, of the actual state of the Roman catholic hierarchy in Ireland. My lords, I have long understood, that the Roman catholic clergy in Ireland were upon a different footing from their brethren here. Here the Roman catholic clergy appear in the unassuming character of mere missionaries. There are no diocesan bishops, no parish priests. England is divided into four districts, which are superintended in spirituals by four bishops in partibus, a bishop of Centuriæ, a bishop of Acanthos, &c. who take the titles of vicars apostolic, and exercise their spiritual authority with great modesty and decorum, and in a manner perfectly inoffensive to the established church and to the state. I knew that, in Ireland, each province has its titular archbishop, each diocese its titular bishop, and each parish its titular priest. But I had no conception, till a noble and learned lord informed us of it, that these titular prelates and priests claim to be the rightful possessors of the respective sees and parishes, and treat the prelates and priests of the established church as usurpers and intruders. I had no conception, that the titular archbishop of Armagh would publicly take to himself the stile of Armachens, and designate the lord primate by the simple appellation of Dr. Stuart. The withholding from the lord primate the title which belongs to him, in itself is no great matter. But the claim to jurisdiction, in exclusion of the established prelacy and priesthood, is another thing. A noble duke on the opposite bench has said, in exculpation of them, that these Roman catholic prelates are really "bishops." Most undoubtedly, they are bishops as truly as any here. They are of the episcopal order; and men, I dare say, in their individual character, highly worthy of that pre-eminence in the church. But, I am sure the noble duke knows enough of our ecclesiastical matters, to be apprised of the distinction between "the power of order" and the "power of jurisdiction." The "power of order" these Roman catholic prelates possess. But the "power of jurisdiction" does not of necessity attach upon the "power of order." A man may be a bishop, and yet it follows not of necessity that he is bishop of a diocese. The two powers, that of order and that of jurisdiction, are quite distinct, and of distinct origin. The power of order is properly a capacity of exercising the power of jurisdiction conferred by a competent authority. And this power of order is conveyed through the hierarchy itself, and no other authority but that of the hierarchy can give it. The only competent authority to give the power of episcopal jurisdiction, in this kingdom, is the crown. It is true, that, in this part of the united kingdom, that power may seem in some degree to flow from the hierarchy; because we have the form of an election of a person to be a bishop of a vacant see, by the clergy of the cathedral. But this is a mere form—the chapter cannot proceed to elect, without the king's licence. The king's licence to elect, is always accompanied with his majesty's letter missive, recommending a fit person to their choice; and it always so falls out, that the chapter agree with the king in their opinion of the fitness of the person. In substance, therefore, the collation of the diocesan jurisdiction is from the crown. In Ireland, the collation of the power of jurisdiction is, both in form and in substance, from the crown solely; for the prelates of that part of the kingdom are appointed to their respective sees without any congé d'élire, or any form of an election by letters patent under the great seal. In neither part therefore of this kingdom can there be any legitimate power of jurisdiction, but what is conferred by the crown; and the claim of such a power, independent of the crown, is a most outrageous violation of the very first principles of our ancient constitution.—But, my lords, unwarrantable as this claim of the Roman catholic prelates in Ireland appears to be, I am still more alarmed by the manner, in which, as we have been informed by the noble and learned lord, they exercise their spiritual authority. When the noble and learned lord entered upon this topic, with a remark, that we here in England have no idea what excommunication is in Ireland—that it is really a dreadful thing—and seemed to make this the ground of some charge he had to bring against the Roman catholic clergy of Ireland; my mind, I confess, was all puzzle and amazement. I could not imagine, what this might be; and surmises arose the very contrary of that which I now understand to be the case. Excommunication in Ireland a dreadful thing! why, I said to myself, to a christian, to one who really believes, how should excommunication, in the true meaning of the word, in Ireland, or any where else, not be a dreadful thing? Excommunication, in the true meaning of the word, is the separation of a christian, leading a disorderly life, disgracing his profession, from the christian congregation; a banishment of him from the church. And this separation every christian must consider as a state of great danger and peril: for as the promises of the Gospel are all made to the church in its corporate capacity, and extend to the individual only as a member of that elect society, (none but fanatics hold the contrary,) to be severed from that society, is to be excluded from all share in the blessings and promises of christianity. This is excommunication, and this is certainly a dreadful thing. Excommunication, as it is practised here in England, I know very well in itself is no dreadful thing. It carries no terror with it, but in its secular consequences. But this is, because what we call excommunication is not really what the word means. And I have always considered the manner, in which it is used among us, as little better than a profanation of a most sacred rite of discipline. It is used with us, merely as an engine to support the authority of the ecclesiastical courts. If a man disobeys a citation, and persists in his neglect of it, excommunication is denounced; though the object of the citation should lie in some of these secular matters, which, by our laws, are submitted to the cognizance of these courts. The sentence is pronounced by a layman, without any thing striking in the manner of it; and, if the offender still persists, at the expiration of certain days, comes indeed a dreadful thing; he is committed to prison, by virtue of the writ de excommunicato capiendo, a writ issuing from a secular court, and there he must remain, till in the language of Doctors Commons, he has made "his peace with the church," i. e. till he has made his submission to the court. The person on whom the sentence falls, all the while finds not the burthen of any thing properly to be called a sin upon his conscience. He is not aware, that he has offended the church—for his imagination cannot identify the ecclesiastical court, in which a layman sits as judge, taking cognizance perhaps of matters of a secular nature, with the church—and he perceives not, that religion has any thing to do in the business. Such excommunication has certainly nothing dreadful in itself, but in the imprisonment only, which follows. Such was not the primitive excommunication. The objects of that dreadful sentence were none but notorious sinners: fornicators, usurers, idolaters, railers, drunkards, extortioners. It was pronounced, with awful solemnity, in the full assembly of the church, by the bishop himself, or some person specially delegated by him. It produced the greatest consternation in the conscience of the sinner, and generally brought him to a sense of his guilt, and produced a reformation, which nothing short of this severity could have effected. When the noble and learned lord said, that excommunication in Ireland was a dreadful thing, the surmise, that naturally rose in my mind, was, that the excommunications of the Irish prelates were something more resembling the primitive excommunications, than that is which our courts call excommunication; and I wondered how this was to be turned to the reproach of the Roman catholic bishops. But when the noble and learned lord went on, he soon made me understand, that their excommunication is no less a profanation, though in a different way, but no less, if not more a profanation of the rite, than our practice. It is indeed a dreadful thing: but not dreadful simply by the alarm of the excommunicated person's conscience, but by the worldly distress it brings upon him. It is not simply a separation from the body of the faithful, but it is, to all intents and purposes, an interdiction ab aquâ et igne. No Roman catholic dares to administer a crust of dry bread or a cup of cold water to the person under this interdiction. And the offence, which draws down this horrible sentence, is any friendly intercourse which a Roman catholic may be found to hold with protestants.

My lords, this is an abominable abuse of the power which Christ has placed in the hands of the governors of his church, not to destroy the worldly comforts of men, but for the salvation of their souls. No precedent is to be found for such tyranny in the conduct of the apostles. The first instance of an excommunication upon record took place in a very early period, in the church of Corinth. A member of that church was leading a most flagitious life; and the process of the excommunication was this. The apostle St. Paul, not being able to attend in person, issues his peremptory mandate to the church of Corinth to assemble; and in full congregation, "in the name of our Lord Jesus Christ, and with the power of our Lord Jesus Christ, to deliver the offender unto Satan," that is, to expel him from the church, by which he would be deprived of those assistances which the church affords to resist Satan, "for the destruction of the flesh"—not that the man was to be starved—driven from civil society, and reduced to perish with cold, and hunger and thirst; but for the mortification of the carnal appetites; for the flesh here evidently signifies the appetites of the flesh. And this flesh was to be thus destroyed, to this intent and purpose, "that the spirit might be saved in the day of the Lord Jesus." And the spirit in that day will be saved. For the man was brought to repentance; and, upon his repentance, the apostle writes to the church again, to receive the penitent again into their communion, and to "confirm their love to him." And it appears, that offenders under this dreadful sentence were still treated with great charity and commiseration. For thus the same apostle writes to the church of Thessalonica. "We command you, brethren, in the name of our Lord Jesus Christ, that ye withdraw yourselves from every brother that walketh disorderly. And if any man obey not our word by this epistle, note that man, and have no company with him, that he may be ashamed. Yet count him not as an enemy, but admonish him as a brother." Very different this, from the despotism which we are told is exercised by the titular bishops in Ireland, over persons of their own communion.—My lords, in this state of the Roman catholic hierarchy in Ireland, it would be in vain to go into a committee to take this petition into consideration. For certainly nothing of political power and influence can be conceded to the Roman catholics in Ireland, beyond what they already enjoy, unless their hierarchy can be reduced to a less offensive form, and checked in the monstrous abuse of their spiritual authority. I should hope that neither of these things is impracticable; that both may be effected, by the influence of persons of rank of that persuasion with their pastors, concurring with government in mild measures for the attainment of these ends. But if these ends cannot be attained by the concurrence of the Roman catholics themselves with government, I confess, we seem to be reduced to this dilemma, either this hierarchy must be crushed by the strong arm of power (God forbid the dreadful necessity should arise), or the Roman catholic church must be the established church of Ireland. My lords, if the thing were res integra, if we had now to form a constitution for Ireland ab initio, I have no hesitation in saying, that it might be matter of grave deliberation, which of the two measures should be adopted. But this is not the case. The Irish constitution is settled; settled long since upon the basis of protestantism: and that constitution, so settled, has been recently confirmed by the pacta conventa of the union. When I speak however of crushing the Roman catholic hierarchy in Ireland, I mean not that the Roman catholics of that country should be deprived of the superintendence of bishops; but their bishops should not be allowed to assume diocesan jurisdiction, in exclusion of our own prelacy, or even co-ordinate with it, nor should they be suffered to domineer, in the manner we are told they do.—My lords, if these difficulties stood not in the way, I should be ready to go into a committee; still I should oppose the prayer of the petition, in the extent to which it goes, for this among other reasons, that I think a compliance with it would be the worst thing that could befal the Roman catholics, as well as ourselves. The immediate effect of it I think would be, to revive that detestable rancour between protestants and Roman catholics, which for so many years has been the disgrace of the western church, but is dying away if we only let alone what is well.

Lord *Ellenborough* said, the anxiety and alarm which, during the long suspended agitation of this important question, had been excited in his mind as to its probable effect on the peace and tranquillity of the country, had, from various indications of the public sentiment respecting it, in a great measure subsided, before the immediate discussion of the question in that house; and, from the circumstances immediately attending the discussion itself, which (except during a short and painful interval in the course of that evening) had been uniformly temperate and decorous, and such as became the wisdom and gravity of parliament, his alarm and anxiety had now wholly ceased. That he was convinced that the debates on this momentuous subject would, when known, be as satisfactory in the result to those whose rights and interests were the object of the debates, as they were honourable to those by whom they were conducted. If the question were to be brought forward at all, which he once regretted, but now rejoiced had been the case, he was happy that the claims of the Roman catholics had been put under the protection of the eminent person by whom they had been so ably and strenuously contended for in that house. That the Roman catholics must be convinced that they had a sincere and zealous, as the house was witness that they had a most powerful and consummate, advocate in the person of the noble lord. With a view to the quieting of the question at present, and the preventing its recurrence at any future period, it was well that the defence of the Roman catholic claims had been entrusted upon this occasion to no feebler arm; what had failed now was not likely to be advanced with equal energy and effect, and with better hopes of success, at any future period. He then said that, in the vote he was about to give upon the question then under consideration, and in the reasons he was about to offer to their lordships' for that vote, he trusted that no person would be so uncandid as to suppose that he was either an enemy to the full and free toleration of the religious opinions and worship of his Roman catholic brethren in Ireland in the most extended sense of that word, or averse to those indulgences, in respect of civil rights, which had in a large and liberal measure been afforded them by parliament during the last twenty or twenty-five years of the present reign; although perhaps he might at the time have paused a little upon the prudence and expediency of granting some of the particulars that had been granted; viz. the elective franchise, and a capacity of being included in the commission of the peace; that he did not repine however at any thing which had been hitherto done in their favour, much less wished that any part should now be recalled or withdrawn. I believe indeed, said his lordship, that no such wish exists in the minds of any of your lordships. I am sure it does not in the minds of my noble friends against whom an insinuation of this kind was directed in the heat and eagerness of debate on a former night. What our Roman catholic brethren have acquired by the liberal grant of a bestowing and confiding parliament, let them, under the solemn faith of parliament pledged to them for its continuance, still enjoy. I will not anticipate a possibility that a breach of the implied condition which is annexed to every legislative provision for the benefit of individuals, should draw the expediency of its allowed continuance into question at any, the remotest period of our future history. The question now before us on this petition, is not a question of toleration in the enjoyment and exercise of civil and religious rights, but of the grant of political power. All that toleration can require in respect to civil and religious immunity, has been long ago satisfied in its most enlarged extent. At the commencement of the gracious and beneficent reign of his present Majesty, the Roman catholics of both parts of the united kingdom, especially of Ireland, were incumbered and weighed down by the grievous pressure of many rigorous restraints, penalties, and disabilities. It became the generosity, it became the wisdom of parliament, (for on such subjects generosity and wisdom are the same,) to emancipate them from these burthens; and by several successive statutes in the space of about fifteen years they have been accordingly so emancipated. They are in respect of property capable of inheriting and taking by devise for their own benefit, and of alienating and disposing of property in all such ways as it is competent to any other of his Majesty's subjects to take and dispose of the same. The education of their children, and the choice of their marriages, are equally unrestrained to them. The enjoyment of their religious worship is equally free and public. The avenues to emolument and eminence in the practice and profession of the law are equally open to them with their protestant fellow subjects. The right of serving on grand and petit juries, and upon all inquests civil and criminal, is the same to them as to others. The right of voting in counties for members of parliament has been conferred on them; a capacity to become justices of the peace is capable of being communicated to them by his Majesty's commission of the peace in the same manner as it is to other subjects; that is, of course, under the check and control of a sound discretion to be exercised on the part of the person holding the great seal, as to the objects to which it should be granted.

All military and naval commissions, except those of principal command, and all offices, except a very few of the great offices of state, and the higher judicial offices, are attainable by them. If, in the beginning of the year 1778, any person had ventured to predict to them, that such would in the course of a very few years be the condition of a people then labouring under the restraints, penalties, and disabilities, I have alluded to, he would have been regarded as a rash and hardy utterer of a vain prophecy, which had not the remotest chance of ever being accomplished. However, in the compass of fifteen years, by the gradual removal of civil and religious, and of some political restraints, they have attained the accomplishment of all which, in their relative situation to the establishments of the country, they can consistently ask, or we can, with due regard to our situation as trustees for them and others, consistently bestow. Their emancipation from civil and religious restraint as affecting themselves, and the rights to be enjoyed by them individually, is entire and complete; if it be not so, let it be shewn wherein it is in any instance defective, that the defect may be, if practicable, instantly supplied and remedied. Of the condition of the catholics as his Majesty found it at the commencement of his reign, loaded with the penal restraints and disabilities which the sufferings and the fears of former times had cast upon them, and as he will hand it over to succeeding times, it may be truly said "Lateritiam invenit, marmoream reliquit." Catholic emancipation, as it is improperly called, if that term is meant to denote and designate any slavish subjection as still subsisting on their part either in respect of person, property, or the profession of religious faith, or the exercise of religious worship has been fully attained. The only remaining emancipation which they are capable of receiving must be acquired by an act of their own, by redeeming themselves from the foreign bondage and thraldom under which they and their ancestors have long unworthily groaned, and from which the state, as it has neither imposed nor continued it, has no adequate means of relieving them consistently with the duty of self-preservation which it owes to itself. Every state claiming and exercising independent powers of sovereignty, has incidentally belonging to it, as such, the power of binding its subjects by laws of its own, not only paramount to, but exclusive of any authority or control to be exercised by any other state whatsoever. In so far as any other state or person is allowed to exercise an authority breaking in upon this exclusive and independent power of legislation and enforcement of authority in one state, to that extent such state so intrenched upon is not sovereign and independent, but admits itself to be subordinate to, and dependent upon the other. The declaration contained in the oath of supremacy, which expresses a denial and renunciation of the existence of any power and authority in respect of ecclesiastical and spiritual matters in any foreign state, potentate, or person whatsoever, is but the affirmance of a proposition which is logically and politically true as an essential principle of independent sovereignty, applicable not to this government only, but to every other government under the sun which claims to possess and exercise the powers of independent sovereignty. It is not only true as a maxim of government, but essentially necessary to be insisted and acted upon, also, in all cases in obedience may become questionable, in order to give the state that assurance and test which it has a right to require and receive from its subjects, of their entire submission and fidelity in all matters to which the power and authority of the state can extend. But, it is said, that what is prayed by this petition is not a matter which impugns the authority of the state in matters to which its authority extends. That the reserve made by our Roman catholic brethren is only in favour of matters which concern God and their own consciences; matters of mere abstract faith, and mental persuasion. That however is not so; the pope, in virtue of his general spiritual authority, claims anthority in matters of morals (i. e. of moral conduct, and which extends to all the acts of man) as well as in matters of mere faith; he claims and habitually exercises on some subjects a power of dispensing with oaths, and in that respect of nullifying all human sanctions whatsoever, as far as they affect the conscience through the medium of oaths; he claims and exercises by himself, and delegates to others, an effectual, or supposed effectual, power of absolution. What fatal effects that power, as exercised by the Roman catholic priesthood and applied to a credulous multitude, is capable of producing upon the civil and political condition of that community in which it is allowed to prevail, let the recent experience of Ireland during the late rebellion attest, where wretches, reeking with the blood of their murdered countrymen, have been purified from the guilt of past atrocities, and prepared for the commission of new, by the all-atoning virtues of popish absolution; such a power as this over the conscience, engrosses and directs more than half the faculties and energy of the entire man, &c.—But, besides the spiritual power thus capable of being, and thus being in fact abused, the ecclesiastical power of the church of Rome over its obedient sons is enormous. It establishes and sustains in the instance of Ireland, an hierarchy dependant on the see of Rome as to the original nomination and subsequent control of its bishops and pastors, through the medium of which it enforces an obedience not in matters of faith only, but in temporal acts and concerns immediately connected with the duties and habits of ordinary life; not only in the payment of money for the maintenance of the local ecclesiastical establishment, or for such other purposes connected with their political economy as may be thought fit by the same authority to be enjoined, but in the performance also of rites and ceremonies, particularly that of marriage, from which all civil rites originate, and which they enjoin to be performed by their own ministers exclusively, thereby ousting the law of the land, and endangering or destroying the legitimacy of its subjects, and all rights of descent, inheritance, and representation founded thereon. The power of excommunication is, in the hands of their clergy, a most powerful and dangerous engine, not of spiritual and ecclesiastical only, but of temporal power. It acts at once upon all the comforts of domestic and social life in this world, and upon all the hopes and expectations of happiness in that which is to come. With what harshness and rigour, and with what daring defiance of the established law of the land, this most operative power of interdiction has been recently applied, not to a few individuals only, but to large multitudes of people, a noble and learned lord detailed to us on a former evening. Why such an enormous conspiracy in the several parties concerned, against the established laws and government of their country, has, if fully known, been suffered to pass unpunished, I am at a loss to conceive. I can only account for it on a supposition that some insurmountable difficulties may have occurred in the obtaining of witnesses who would venture to come forward and state such facts upon oath in the face of their spiritual directors, or that a distrust of the disposition in local juries to convict under such circumstances has prevented the institution of such prosecutions as would otherwise be proper for the correction of such crimes. Certainly these or some other adequate reasons must have operated to produce a temporary impunity, in cases where the safety of the state and the protection of its subjects from the enormous excesses of illegal authority seem to have so much required the application of immediate and exemplary punishment. I am persuaded it could not proceed from a want either of zeal or courage in those whose immediate duty it is to call forth and apply the energies of the law on such important occasions; for I am well assured and know that the public spirit and manliness which heretofore distinguished the profession of the law in that country, has by no means expired in the person of lord Clare. These are a few and but a few of the practical civil inconveniences which might be instanced as derived to the state and its subjects from the authority of the see of Rome, spiritual and ecclesiastical, as it is exercised over the sons of its church; producing as it does a distracted allegiance in the same person, acknowledging and living under the temporal power of one sovereign, and bound in faith and morals by the authority of another, claiming to be his spirtual guide and governor, his ecclesiastical sovereign, and in effect, in all matters of supreme conscientious concernment, God's vicegerent and representative on earth. It is denied that the effect of this authority was at all mischievously felt during the late troubles in Ireland; and, on the contrary, it is asserted that the rebellion in 1798 was the mere effect of revolutionary principles, fostered, matured, and brought into action by republican leaders, who were not members of the church of Rome.—I admit that the leaders of that rebellion, the Emmetts and O'Connors, were men of elevated views and conceptions, of minds too highly raised above the groveling regards and credulity of the vulgar, to be subject to the weakness of this, or indeed of any other description of religious faith whatever.—I will grant, if it shall be so required, that they were superior to all infirmities of this kind, that they were graduates of the highest class in the schools of republican philosophy, by which I mean "pure, genuine, unadulterated atheism;" but the ranks of that army which their treasons brought into the field were not so filled up. The Roman catholic population furnished, as it must, the means, and the priests in many instances, in their own persons, both the inducement and the example of rebellion, by standing forward as officers amongst them in the day of battle, and imposing for some time upon their superstitious and enthusiastic followers the most extravagant fables of their own miraculous exemption from the perils of fire and sword. I admit that their atheist leaders wished at first to give the mischief a republican direction; but the religious frenzy of the multitude and of their immediate directors soon give it another, as some of the sanguinary and ferocious tragedies which were acted at that period too truly and too fatally testified. Any person who will take the trouble of referring to the history of that calamitous period, and will afterwards recur to the history of the rebellions of Tyrone and O'Neil, will find the transactions of these several periods but too genuine counterparts of each other, and too disgusting a resemblance prevailing between them both, as well in cause as effect. Both followed a period of extreme liberality to the catholics, took place in a season of unsuspecting calm and security, and involved the country in more than the miseries and massacre which are usually attendant upon civil war. We were taught to expect that far other consequences would have followed upon the liberal grants I have already alluded to. We were to have reposed with confidence upon the eternal gratitude of the whole Roman catholic population of Ireland. Nothing, however, of this kind that I recollect, was exhibited in fact, beyond what appeared in a few public addresses of the day; a small return of mouth honour; but neither the king or parliament which conferred, nor the immediate patrons of their cause, who induced parliament to consent to confer these benefits upon them, were very long or gratefully remembered. Two of their first and most active patrons in 1778, had afterwards the unmerited misfortune to fall in the field by the hands of catholic rebels.—Before we proceed to grant more, if more we could grant without a direct surrender of all securities of our protestant church and government, it would well become us to consider how our past liberality and confidence have been requited. But we cannot grant more, particularly the boon which is asked of the admission of catholic members into parliament, without putting in peril the whole protestant church and its rights as by law established.—The act of settlement has provided for the protestant succession to the crown of England; it has made the being a protestant the indispensable condition upon which the crown is to be worn by any prince claiming under the limitation in favour of the heirs of the body of princess Sophia, "being protestants."—It has not only required the king to be a protestant generally, but to be of that class of protestants which joins in communion with the church of England; and it has excluded papists by industrious description: for it provides and enacts (section 2) that all and every person and persons who shall or may take or inherit the said crown by virtue of the limitation of the present act, and is or shall be reconciled to, or shall hold communion with, the see or church of Rome, or shall profess the popish religion, or shall marry a papist, shall be subject to such incapacities, as in such case or cases are by the recited act (i. e. of 1 W. and M.) enacted and established.—So peremptory is the tenor of these provisions in exclusion of a popish prince from the throne of these kingdoms, that if (a case which is scarce within the extreme limits of actual possibility) his majesty himself should become reconciled to the see of Rome, or profess the popish religion, the crown would in that case, by the instantaneous effect and operation of law, fall from his august and revered brows, and he would stand amongst us a mere unprivileged individual, as wholly divested of the rights, functions, name and character of sovereignty, as the meanest peasant of the land: and can it then be supposed that when such industrious pains have been taken by our ancestors to secure to the kingdom a protestant prince, that it should be left at large whether his parliament should be protestant or papist? But this was already provided for by the test acts in the reign of Charles II. which shut the doors of parliament in both houses on persons who do not take the oaths of allegiance and supremacy, and subscribe the declaration against popery.—These restrictions on the parliamentary function and character it is now proposed to repeal; and thus the king may be surrounded, not only by ministers of opposite and conflicting religions, but may find in the same persons a divided and distracted allegiance between his rights as their temporal sovereign, and the rights spiritual and ecclesiastical of the Roman pontiff.—It is obvious to the most careless observer, that the measures of government would be enormously clogged and impeded by the close junction and mutual adherence of the catholic members, amounting in the aggregate to a number in England and Ireland sufficiently large to inforce from a minister a degree of condescension and deference to their demands in favour of the Roman catholic religion, by which the protestant religion might be undermined and endangered.—But if the Roman catholic members are to have seats in parliament, there must be also vested in them a capacity of becoming, as well as others, the king's ministers. If the king's ministers are to be taken out of the body of catholics, of what avail will it be that we have secured to us, by the act of settlement and the coronation oath, the solitary individual protestanism of his majesty? So that at the last the whole substance of the provision made with so much anxiety and solemnity by our protestant ancestors will become entirely futile and elusory; for the test acts which preceded the act of settlement, and were the foundation on which alone it could practically rest, must of course be done away before the catholic members can take their seats in either house; the removal of which tests will certainly on principle, and by probable if not necessary influence in point of fact, effectuate a total subversion of the protestant church, as established by law within these realms. I think, my lords, it will scarce be denied by any of those, upon the credit of whose assertions your lordships would be disposed to place reliance, that the real aim and object of the persons who so strenuously contend for conferring a representative capacity on Roman catholics, is, through the means of such representatives, to procure for the body at large some further advantages in the way of a recognised church establishment, under the immediate authority of parliament. Upon this head, waving for the present all objections whatever to the religious faith and doctrines of that church, and supposing, what I by no means admit, that the points of faith and doctrine in which our church differs from theirs, are of less essential practical importance as affecting moral conduct than they appear to me to be; allowing them to entertain, and as publicly as they please, to profess a belief in transubstantiation and in purgatory, to practice the invocation of saints, and to believe and inculcate the belief of (what protestants consider as) a legendary chronicle of unauthentic miracles; giving them all facilities of public and private worship and profession of faith on these and every other subject, if there be any yet wanting and required on their behalf; still an establishment for their church, concurrent with that of the united church of England and Ireland, exceeds even the competence of parliament itself, constituted as it is, to bestow. By the 5th article of the union, it is declared, that "the continuance and preservation of the said united church as the established church of England and Ireland, shall be deemed and taken to be an essential and fundamental part of the union." By fundamental is meant, with reference to the subject matter, such an integral part of the compact of union formed between the two kingdoms, as is absolutely necessary to the support and sustaining of the whole fabric and superstructure of the union raised and built thereupon: and such as, being removed, would produce the ruin and overthrow of the political union founded upon this article as its immediate basis. The words "the established church" import that there shall be only one church of that description, and which shall alone have the privileges, character, and denomination of an established church annexed to it. These terms necessarily exclude any other co-ordinate and concurrent establishment; every other church which has any thing beyond what we commonly understand by the word toleration allowed to it, may be considered as so far established within the meaning of this article; and the union of course, in virtue of such allowed establishment, not only to a degree impugned and violated, but by the express letter of the precise and peremptory provision referred to, absolutely deprived of its very essence and foundation; in other words, substantially destroyed and subverted. I will hope, therefore, that on further consideration the utter impracticability of such a project, consistently with the good faith of the two kingdoms solemnly pledged to each other at the period and by the compact of the union, will be so apparent to all who are at present striving for its adoption, as to dissuade them from the further prosecution of a measure which, as it must commence in a violation of public faith and political rights, must also terminate in disappointment and dishonour.—I am one of those, my lords, who labour under an unfortunate persuasion that even if this could legally be, and, in fact, were granted to them; that if the Roman catholic religion were already established in Ireland in some degree of communion and participation of privileges with the united church, that even this grant and indulgence, large as it might now appear to us, would be followed by fresh demands and increased importunity. What assurance is there that they would rest contented with this boon? or would not the broad banners of papal supremacy be immediately unfurled, and the exclusive domination of the Romish church in Ireland be authoritatively claimed on the ground of this very concession, and of that majority in the population of that country, which alone confers the right (as they contend) of establishing the protestant religion as the religion of the state in this country? Compared with the value of this ultimate prize, the objects hitherto obtained in the struggle would be vile and worthless in their estimation.

> Jam tenet Italiam, tamen ultra pergere tendit
> Actum inquit nihil est, nisi pœno milite portas
> Frangimus et mediâ vexillum pono suburrâ.

Before it is yet too late, I for one am disposed to rally round the standards, and to preserve the altars, of my country. The palladium of our protestant, and, indeed, of our political security, consists principally in the oath of supremacy, and the tests connected therewith, and (as more particularly concerns Ireland) in the provisions contained in the 5th article of our recent union with that country, against every attempt to weaken these safeguards of the constitution. I, as long as I live, and am furnished with faculties either of body or mind enabling me to struggle with effect, will manfully struggle, and, as far as in me lies, will avert the mischief which must result from the admission of persons, (owning and yielding, as they do, an imperfect and defalcated allegiance to the state,) into the entire and perfect rights of completely affianced subjects.—Not being able, my lords, to feel any material degree of evil in the present state of political restraint, as it is necessarily for their good as well as ours, and in the prevention of common calamities affecting us all, applied to our Roman catholic brethren in Ireland; and seeing a sure prospect of enormous and incalculable mischiefs before me, which must immediately result from a change:—as a subject interested in the safety of the crown and kingdom; as a protestant interested in maintaining the possession of that pure and reformed religion, which having been in times past preserved and sanctified to us by the blood of our ancestors, has been by God's providence long and firmly established in these realms, and which is inseparably knit together in one system, with all our civil rights and liberties, with our best means of happiness here, and our best hopes of happiness hereafter; I feel it my duty, my lords, now and for ever, as long as the catholic religion shall maintain its ecclesiastical and spiritual union with, and dependence upon the see of Rome, to resist to the utmost of my power this and every other proposition which is calculated to produce the undoing and overthrow of all that our fathers have regarded, and ourselves have felt and know to be most venerable and useful in our establishments both in church and state.

The Earl of *Moira* expressed a wish that the question should be relieved from a great deal of extraneous matter with which it had been encumbered, and that it should be brought to the test of that plain good sense on which he conceived it to rest. He thought the complexion of the present times demanded that every exertion should be made to procure an unanimity of heart and mind in the cause of the country. It was very true that to give the catholics the privilege of admission to the few offices from which they were excluded, would be giving them little; but the gift would shew a disposition to conciliate and to win their affection; which would be in that point of view important. He was surprised to have heard it said, that the petition tended to throw the torch of discord into the country: on the contrary, he was of opinion that the object of it, if properly attended to, would tend to establish that harmony which was most essential to the country at the present moment. At the same time that he made these observations, he wished to speak with the utmost respect of the established church; but which he did not think would be endangered or injured by granting the catholic claims. He wished, therefore, that the petition should be referred to a committee, for the purpose of considering whether any danger could really arise from conceding those claims; and if it should be deemed not prudent to grant the whole, whether any part of those claims might be safely admitted; as he wished it to be understood, that in the committee he should certainly be desirous of weighing well each object which the catholics had in view, and investigating in what manner it would operate with respect to the church establishment, before he gave his consent to the admission of the claim which it involved.

Earl *Darnley*.—My lords; I am ready to confess my disposition to assent to the opinion of some noble lords on the other side of the house as to the time in which this question is agitated. Had I been consulted by the catholics of Ireland, I certainly should have recommended to them to abstain from pressing their claims at a period which is generally known to be peculiarly unfavourable, for many reasons; into some of which I do not feel myself at all called upon to enter, but which are very generally known. I certainly think the present disposition of the country in general adverse to the proposition, however I may be convinced that it is founded in reason and justice, and must therefore, sooner or later, ultimately prevail. Since, however, the question is come to be agitated in parliament, your lordships will agree with me, that it could not have been placed in better hands; and that the propriety and moderation have been as conspicuous as the ability with which it has been introduced by my noble friend. And here I cannot avoid animadverting on the unfair and groundless imputations which have been cast upon the introduction of this proposition by some noble lords who have spoken in the debate, as if it could have been introduced as a party question, or in any respect to answer party purposes. My noble friend who has opened the debate, most solemnly disclaimed such an intention; and is fully entitled to credit for his assertion. But a better proof than the assertion of any man, is the manifest absurdity of such a proposition. The party with whom I have the honour to act, which has been sometimes honoured with the appellation of a faction, is a faction, be it observed, composed of almost every thing in the country respectable for wealth, birth, and talents, and who certainly enjoy, in a great measure, the confidence and good opinion of the people of England, which their opponents have forfeited. At such a period the introduction of a measure known to be unpopular, and in opposition to very general, however unfounded, prejudices, can never be fairly stated as intended to promote party views. In adverting to the different arguments which have been used by other lords on the other side of the house, I have some satisfaction in speaking so late, inasmuch as the task has thereby fallen to others of replying to the speech of the noble and learned lord (the chancellor of Ireland) which I cannot but consider as one of the most extraordinary speeches that has ever been uttered in parliament. Considering both the arguments used and the person who has used them, it certainly merits all the reprobation which it has received. I have, however, the greatest satisfaction in congratulating the house on the very different tone which has in general prevailed, and especially in the two last speeches on the other side (the bishop of St. Asaph and lord Ellenborough). The reverend and learned prelate, in particular, has expressed himself in a manner which does him the highest honour; and the only ground of surprise is, the circumstance of the reverend prelate's appearing to be influenced by those extraordinary arguments and assertions which have been contradicted as unfounded, by noble lords best acquainted with the state of Ireland. The reverend prelate appears to have received from that learned lord some new lights with respect to the catholic religion, which have induced him to change his opinion as to the propriety of removing the political disabilities, according to the prayer of the petition, which he at first imagined might be granted without endangering the established church or the protestant succession. For myself, I can assure the house, that if I could be persuaded either the one or the other would be in any degree affected by the concessions prayed for, I would be the first man in the house to oppose them; but, according to my view of the subject, so far from having this fear, I am firmly persuaded that this measure of conciliation would produce a directly contrary effect, and, by uniting all the hearts of his majesty's subjects, would afford the firmest security to our establishment both in church and state: not, indeed, if these remaining concessions are made in the same spirit, and in the same ungracious manner as those which have formerly taken place in Ireland; but if they are granted (as I trust and am persuaded they sooner or later will) in the true spirit of conciliation and peace. And this leads me to advert to the history of Ireland with reference to this question, which has been dwelt on with so much self-complacency by a noble earl opposite to me (Westmorland) who administered the affairs of that country at the period of the last concessions to the catholics. The period of the revolution has been dwelt on by many who have spoken in the debate with satisfaction; and I am as ready as any man to do ample justice to that great æra of the establishment of the civil and religious liberties which we now enjoy:—the catholics of Ireland must, however, date from thence the extinction of their liberties, and the commencement of those sufferings which they have borne with such exemplary patience, and repaid with such distinguished loyalty. Till the auspicious reign of his present majesty, their situation was that of the most abject slavery; and they were a proscribed race in their native land, compelled to submit to the most harsh and degrading system of laws that perhaps ever was framed. The policy of this system I do not arraign, severe and cruel as it was; it might, in some degree, perhaps, have been justified by political necessity; and I mention it only with a view to do justice to the exemplary conduct of the catholics under such circumstances. During the rebellion of 1745, when lord Chesterfield was lord lieutenant, their loyalty and attachment were conspicuously manifested in favour of the protestant king on the throne, against the popish successor of him who had been expelled on account of his attachment to their cause. Again, in 1759, when a French armament was ready to invade Ireland, for the express purpose of restoring the exiled family, and when a partial invasion had actually taken place, their attachment to the establishment, under which they suffered so much, was again most conspicuous. Under these circumstances, and in consideration of their loyalty and good conduct, as was expressly stated, his present majesty was advised to remove some of their chains. In 1774, the oath of allegiance which they now take was enacted. In 1778, some of the most galling and degrading parts of the code of popery laws was abrogated. In 1782, they were admitted to the rights of property; and finally, in 1793, every thing that remained, including many important civil rights, was granted, with the exception only of those privileges for which they now petition. Undoubtedly, the catholics of Ireland have received great and important advantages during the present reign; but I cannot agree with those who are so forward to tax them with ingratitude, when I consider the manner in which these concessions have been made, especially the last and most important ones in 1793. Indeed, the concessions have all appeared to proceed rather from the fear of irritation in times of public difficulty, than from any thing like an enlarged and liberal system of policy. But this observation applies particularly to the last concessions. Your lordships all recollect the manner in which the French revolution had unsettled men's minds, and the wild theories of liberty and equality which were generally entertained. The Irish catholics, as might reasonably be expected, thought the moment favourable for urging their claims; and, in consequence, they petitioned the parliament of that country in the year 1792, to grant the remaining privileges which they now enjoy. The Irish parliament rejected their application with scorn, by a division of two hundred and twenty-eight to twenty-three. During the next recess, all the protestant gentlemen throughout the country, corporations, and grand juries, backed by the authority of government, pledged themselves to support this vote of parliament; and yet, in the very beginning of the following year, the same parliament and the same government almost unanimously and tamely conceded what they had a few months before so contumeliously rejected. No circumstance having intervened, except an increase of public difficulties, increased boldness of the catholics, and this inconsistent change in the conduct of government, can it be expected that they should feel any very lively sentiments of gratitude for favours so refused and so granted? When the union was in agitation, I stated this instance of maladministration in the government, and profligate inconsistency in the parliament of Ireland, as sufficient alone to justify that great measure; and I now again state it, to prove how little reason the catholics have for very warm gratitude to those who so conferred the favours they have received. Was it to be expected that, under such circumstances, the catholic body should rest contented, or that they should not be tempted to expect that what remained would also be conceded, or, indeed, could not be refused by the Irish parliament? This was another argument for the union; for it was truly stated, that whenever the two legislatures were united, the catholic claims might be discussed with every possible advantage; and that they might be safely trusted to the temper and moderation of the imperial legislature. The catholics certainly might reasonably entertain the best hopes that they would be granted; for they must have felt, that the united parliament would be without those prejudices, and that intolerant spirit which they had fatally experienced in the protestants of Ireland. I wish not to dwell upon the unhappy rebellion of 1798, which has been more than once adverted to in the course of this debate, except to give my most decided opinion, that it ought not to be deemed a catholic rebellion: most of the leaders happened to be protestants; it originated in the jacobin principles of the united Irishmen, to whom religion was a very subordinate, if any, consideration; and although it is true that a majority of those concerned in these sanguinary scenes were catholics, and though the greatest atrocities were undoubtedly perpetrated by some catholic priests, it would be very extraordinary if both these circumstances had not taken place in the country where four-fifths of the inhabitants are catholics, and where there was also necessarily a large number of ignorant and bigoted priests. That there were equal faults on the other side, I am persuaded. That the zeal of the Irish protestants has been productive of consequences as fatal, I cannot doubt; but on this subject I forbear to dwell, because I know it would sound harsh to some of my hearers, to whose loyalty and merits I am ready to do ample justice. My lords, it has been said that the catholic body in general is not interested in this question, which only regards a few of the higher ranks; but I can never agree, that the whole body is not degraded and insulted by this mark which is set upon them, in excluding any of its members from the chance of ever being highly useful to their country. "But," say their opposers, "we have given every thing else; we never will concede to them power. They have all the civil advantages under the state; but they shall not become the state itself." Now let us consider to what extent this power would go, supposing it granted to catholics disposed to abuse it. The few seats they could obtain in this house, could never be considered of consequence. Indeed, exclusive of the five or six English peers, who would afterwards have an irresistible claim, as it regarded Ireland only, not one single member, according to the present mode of election, could be admitted, unless nominated by the minister. The argument, with respect to the other house, deserves more consideration. That some catholic members would be elected is unquestionable; but I am inclined to think the number would be very small indeed. Some noble lords who have spoken, have maintained the extravagant supposition of the whole number of one hundred being catholics. Others have maintained, with some degree of plausibility, that in those counties where the majority of freeholders were catholics, the members would of necessity be so likewise, grounding the supposition on the assertion that they would all be rather guided by their priests than by their landlords. I profess myself of a contrary opinion, even if you suppose that, after these concessions, the old invidious distinctions of civil and religious animosity combined, will necessarily be kept up. Much will depend on the manner in which the boon is granted. That it will, that it must be granted, sooner or later, I am prepared to maintain; for although I am not sanguine enough to expect a majority in favour of this motion, I never can doubt that what I consider the course of justice, of sound policy, what I will even call the cause of the protestant establishment, must and will finally prevail. Remove with a liberal hand, and with an enlarged system of policy, all civil disabilities on account of religion, and I am persuaded, that in a very few years, all sects of christians will become equally good subjects; and it will never enter into any man's head to enquire, whether a candidate for parliament or for office is of the established religion or not? But we must not confine our views to the simple adoption of the measures prayed for in the petition before the house, indispensably necessary as I may think them for the welfare of the British empire in general, and of Ireland in particular. The abolition of the catholic hierarchy in Ireland has been called for, as necessary to the tranquillity of that country; but I so totally differ from the noble and learned lord, that instead of abolishing it, I would render it the means of reconciling to the state and to the constitution the great mass of catholic population. I see no reason why the bishops should not be placed under the protection of government, and why they should not be both nominated by the king, and paid by the public. By such means, and not by the absurd proposition of converting the Irish catholics to the established religion, by translating the bible into Irish, may we hope to see them good and loyal subjects, especially if the whole system of policy by which that unhappy country has been governed, should be reversed; and that, instead of keeping the people in ignorance and barbarism, a liberal and well-digested system of instruction should be adopted, and encouragement afforded to habits of industry, and respect for the laws.

Lord *Auckland*.—My lords; having expressed a decided opinion respecting the petition of the Irish Roman catholics on its first introduction into this house, I have purposely waited to this late period of the debate, that I might learn the sentiments of other noble lords. The discussion is now so exhausted, that I can compress what I have to submit to your lordships within narrower limits than I should have thought right if I had spoken earlier. My noble friend who presented the petition, has stated, that it involves the interests and happiness of four millions of people:—my noble friend might have said, that it involves the interests and happiness of the whole British empire. In agitating a question of such extent and magnitude, I am desirous to use a guarded and conciliatory language; but I must not be expected to sacrifice truth and fair argument at the shrine of flattery; nor will I be induced to withhold or extenuate any just reasonings that may present themselves to my mind. I see nothing improper or disrespectful in the style and temper of the petition; nor, indeed, was it to be supposed that individuals making a great request, would express themselves in repulsive and offensive terms. I have not, however, adverted to the wording of the petition so much as to its purport and objects; and it is well worthy of remark, that the whole bears a strong resemblance to the memorable declaration of James the Second, in 1687, for the liberty of conscience. There are in both instruments the same plausible professions of anxiety to conciliate and unite all religious persuasions, the same gracious promises to respect the property of the established church, the same appeals from the interests of trade, which always vibrate forcibly on a British ear, the same display of a generous earnestness to open every avenue of legalized ambition,—and all this as a prologue to the demand of a full and equal participation of power, and of the means of acquiring power. Your lordships will recollect, that this declaration was soon followed by another, which notified that papists had been appointed to all the principal offices of the state; and recommended to the people to send papist representatives to the new parliament.—From the epoch of that inauspicious precedent in 1687, to the æra of French fraternity and Irish rebellion in 1798, the notions of an equality of political power had been suffered to lie dormant. During the greater part of that long period, the Irish catholics had been subjected to a system of intolerance and restraints much too severe to be defended, except on ground of a real or mistaken necessity; and even so lately as the 12th of his present majesty, an act was passed "to enable papists to take not above fifty acres of unprofitable bog, with half an acre of arable adjoining, for not above sixty-one years."—The first measure of any extent in favour of the Irish catholics was in 1778; they were then empowered to take long leases, and were relieved from various incapacities affecting both their properties and persons. The next material act for their benefit was in 1781; when I was chief secretary, and a member of the Irish house of commons. It is well known that I gave no discouragement to that act, which, in addition to various indulgences contained in it, enables papists to purchase and to hold estates, with the exception of advowsons. I have greatly contributed to give to the Irish catholics an interest in the soil, and consequently a more immediate attachment to the welfare of the community; but it never entered into my mind to allow them any share of the powers of government and of legislature. The jargon of emancipation was then unknown, the æra of modern illumination was not yet arrived,—that æra when it could be thought safe and practicable to maintain the limited monarchy and established church of England without test-laws, and without any restraint or incapacities affecting any description of sectarists.—The next and last concessions of any importance, were those which took place in 1792 and 1793. My noble friend who opened this debate, has been pleased to say, that all the framers and supporters of those measures must reflect on them with pride and satisfaction. My near relation (lord Buckinghamshire) has expressed a similar sentiment this evening; and certainly it is an amiable and natural weakness in parents to speak with rapture and admiration even of depraved and very ugly children. I have always contemplated the abrupt and improvident concessions of 1793 with dissent and regret; I have done so in common with two very respectable friends of mine, the late lord Clare, and the present chancellor of the Irish exchequer. Those concessions placed the protestants of Ireland in a relative situation, which impressed on every observing mind the urgent necessity of a legislative union of the two kingdoms; and yet they tended to increase the difficulties of a measure which thus became essential to the peace and safety of the empire. But great as those concessions were, they only served to stimulate the appetite of the Irish catholics for further claims; and, in 1795, the lord lieutenant (earl Fitzwilliam) shewed a strong disposition to gratify them to the full extent of their wishes. Happily he was not supported by the government of that day, though it was composed of the same individuals who now urge the same measure for which they recalled the noble earl from his vice-royalty. The career of concessions to the catholics was soon afterwards interrupted by that rebellion, over the horrors of which I wish to throw a veil, and afterwards by the discussions and arrangements which eventually accomplished the union of the two kingdoms. In the result, a period of comparative tranquillity has now been attained; and the Roman catholics and their advisers have thought it eligible for the present application.—What then is the purport of that application? Nothing less than a full participation of all corporate franchises within the empire, and of all official, judicial, and legislative powers! In examining the tendency of this gigantic grant (which, in truth, is of small moment to the bulk and general population of the catholics) we must presume that it would be efficient; for if its operation were to be as insignificant as some noble lords seem to expect, there would be either a fallacy in the demand or a dupery in the concession.—Perhaps it would not be difficult to shew that such a grant would be an infringement of a fundamental article of the union with Scotland, and also of the fifth article of the Irish union. But I wish to negative the petition on a broader ground. My noble friend, whose eloquence and argumentative powers have introduced the application with every possible advantage to it, has admitted, that it could not be stated as a claim of right. Certainly it could not. Every legislature has the inherent power of qualifying and restricting the possession and exercise of civil privileges for the benefit of the whole community. It is that power which regulates the qualifications of the electors and of the elected, the rights of succession, minorities, marriages, and all the limitations of property; it pervades the whole system of our laws; a denial of it would tend to individual representation, to an Agrarian distribution, to universal equality, and to general confusion.—Still less can the petition rest itself on the ground of toleration. The petitioners indeed allege, that they are "entitled to a toleration not merely partial, but complete;" and yet they well know that they already possess what they describe, and that, ex vi termini, those who are tolerated cannot share the power of those who tolerate. In the benevolent temper of our toleration we do not restrain the exercise of any religious persuasion; but we feel and know that our reformed religion is most congenial to the spirit of our free constitution; that the protection of the one is the protection of the other; and, above all things, that it would not be safe to admit within the pale of our government and legislature, a sect which professes a religion essentially adverse to our own. The tests prescribed by the wisdom of our ancestors for the exclusion of that sect, have nothing to do with toleration; they were framed on the plain and evident presumption of law, that he who receives the sacrament of the church is of the church.—I have been glad to hear it avowed by the noble mover of the question, that the petition cannot rest on any assurances given or compact made at the time of the union. In truth, it was impossible to make such a compact without the concurrence of parliament; and if such a consequence of the union had existed in the mind of any individual employed to frame the articles, it should have been stated at the time, both in good faith to the Irish protestants, and in the honest discharge of duty to the respective parliaments of the two kingdoms. It will ever be a consideration of just pride to me, that I have borne no small share in adjusting all the details of that transaction; and I do not hesitate to declare, that if the concessions now proposed were in the contemplation of those with whom I acted at that time, their views were industriously concealed from me, and from others of their associates. It is indeed true, that, soon after the union, there was, apparently, a sudden change in the opinions of some leading persons respecting the subject now in discussion. I do not impute any blame to that change, or doubt its sincerity, though I must deplore it. That change has given an irreparable shock to the confidence of public men in each other; and to it, perhaps, are owing many of the distractions and difficulties under which the empire has since laboured.—It is admitted, that the petition is not grounded on any claim of right, of toleration, or any compact, expressed or implied, at the time of the union, but merely on a question of expediency. In arguing the question, I will not cling with a blind attachment to the acts and systems of former ages, though sanctioned by the settlement in favour of the house of Brunswick, and by the blessings resulting from it. I am well aware, that the objects and principles of legislation must change with the times, interests, and exigencies of the day; but no doubt arises in my mind that the exclusion of the Roman catholics from political power, contributed essentially to our free and happy constitution, and ought still to be maintained for its security. Nothing has happened to diminish my anxieties for the stability of that mild and true religion, which, by its precepts and influence, is so incorporated with our constitution, that they must stand and fall together. If you admit the catholics to a participation of power, you admit the enemy within your camp. All men have a natural desire to extend the predominance of a religion they believe; nay more, it is the sacred and prescribed duty of the papist, if he be sincere in his creed, to undermine our church; for he believes it to be fatal to the souls of his professors, and must feel that, in demolishing it, he is rendering a service to his fellow-creatures and to God. It is a fundamental principle of the church of Rome to exercise spiritual dominion over the christian world. The titular bishops, at their ordination, swear "to defend, enlarge, and extend the authority of the Roman church, and of their lord the pope." Their metropolitans in Ireland avow the same obligation, and proclaim, at this hour, in their publications, that the spiritual power of the pope is the same as ever. These doctrines are enforced by the priests. Religion is not similar to the ordinances of human institution, and capable of being qualified and restrained in its energies by law. The Roman catholics love their religion; its principles are irreconcileable to other persuasions, and its hierarchy is incessantly and indefatigably active, and subject also to the occasional influence of foreign states.—If this sect should become co-ordinate in power with the reformed religion of the British empire; if we once admit the theoretical solecism of a protestant monarch and papist councils, we shall find ourselves involved in a religious anarchy.—The petitioners are pleased to assure us that they "do no seek to encroach upon the revenues of our bishops and clergy." Nothing is so false, in principle or in practice, as the notion of giving much, that nothing more may be asked—

> "The cruel something unpossess'd,
> "Leavens and poisons all the rest."

And though the dangers thus described are not imminent, still they are not so chimerical as to induce us to abandon the bulwarks we possess. The bars and bolts of a house may be removed, and yet the house not pillaged; but every prudent man will keep his bars and bolts. It would be a breach of our parliamentary trust to destroy or abandon the great outwork of that constitution under which we have so long enjoyed such unparalleled blessings.—The petitioners, by a sort of implied menace, have expressed "their anxious desire to extinguish all motives of disunion, and all means of exciting discontentent." If there be any eventual responsibility in this business, it must fall on the heads of those who first agitate a question, of which they must have foreseen the result, if they had only duly adverted to the known opinions of the several branches of the legislature, of the whole body of the Irish protestants, and of the general mass of the British people. I will be guided, and, I trust, a large majority of your lordships also, by a due estimate of the opposite responsibilities.—I cannot mean any disrespect towards the supporters of the petition; I know they are as adverse as I can be to the equalizing doctrines that have taken root in the minds of many; but I must pause before I can accede to that levelling liberality which would consider the episcopal protestant church, that of Scotland, that of Rome, and all the sectarists in the empire, as entitled in justice and expediency to the same political privileges, powers, and functions.—My lords, as we have seen, within a few years, many awful warnings of Providence in the fall of states and kingdoms, and in the vicissitudes of human affairs; chiefly owing to innovations in civil government and indifference respecting religious establishments, have we not good cause to adhere to a system of which we had a long and beneficial experience? We have more to risk than any nation under heaven. The present long and perilous war is directed against the spirit of innovation, to which so large a part of Europe has fallen a victim. Did it not commence for the safety of our civil and religious constitution? So long as the ancient barriers of that constitution shall be preserved, I am confident that we have nothing essential to fear; and yet I am not blind to the increasing dangers and protracted difficulties which still press upon us.—I will not contest prophecies with some of my noble friends, who are pleased to say, that the day cannot be distant when the demands of the petitioners will be complied with. I see no such probability, even with the assistance (which I will readily transfer to them) of a few noble persons who vote now against the petition, merely because they think "the present is not the proper moment."—On the contrary, I hope and rely that the well-meaning catholics of Ireland will see and be convinced, that the sense of parliament is pronounced against their application, upon grounds of immutable truth and reason, and at the same time with all that good-will and affection which ought to prevail between subjects of the same sovereign.

Lord *King* lamented that there should be any serious difference at this crisis between the English protestants and the Roman catholics in Ireland; he wished all differences to cease, and supported the motion as a measure of wisdom.

Lord *Bolton* having formerly held an high official situation in Ireland (chief secretary to the lord lieutenant) felt it his duty to express the opinion on this subject which he had formed upon much reflexion. He conceived it extremely dangerous to grant to the catholics political power, except under a control, which was by no means proposed, and which it would be difficult to devise: and he thought such an experiment the more hazardous, as a language of constructive menace had been held by many noble lords of great weight, in course of this discussion, who had said that, what is asked must be granted, to preserve the country from imminent peril of fatal discord and disunion that must follow a refusal. This was a language of direct intimidation, which could not be listened to for many reasons; for nothing could tend more to remove all limits to future demand until the very superiority of power might be claimed or assumed. The house too was exhorted and warned to concessions, not merely for the sake of interest, but of self-preservation. But, on the contrary, he feared much more from the concession than the refusal. Some noble lords went so far as to insinuate pretty plainly that the house was encouraged to venture on rejecting the petition, from a reliance on the loyalty and patience of the depressed and ill-treated catholics. He would not hesitate to acknowledge his own reliance on the continued loyalty of these catholics who had hitherto maintained it; but that reliance would not be increased by increasing to the catholics political power. These oppressive restraints no longer exist; and he would so far accredit their good sense, as to think that, with all the drawbacks on their privileges so strongly enumerated, they would yet prefer the station they now hold in the empire to any risk under any change to which they might look from the interference of any foreign power. They could be no friends to the catholics who argued their cause so inconsistently, as at one moment to menace the country with the privation of all aid from them without submission to their claims; and the next, to rebuke the legislature for its want of implicit reliance on their invariable attachment. Was it wished by those who so urgently argued the necessity of uniting those four millions of catholics cordially in the national defence, that they should be considered as actuated to such a purpose, at such a crisis, by motives of self-interest only, after all the favours they have received, and all the declarations they have made? But surely a much more generous and persuasive argument would be the manifestation of precedent efforts and exertions, from genuine patriotism, instead of conditional stipulations: but nothing could be more clearly necessary than that every species of menace or alarm, of unsteadiness or apprehension, should be completely extinguished on both sides, before an arrangement so important and delicate in its nature could be formed, with a view to its permanence. Quitting the course of general reasoning, he adverted to the period of 1783-4, when the Irish capital was in a manner in possession of the self-organised Irish volunteers. The voluntary readiness to take up arms on that occasion, which was urged particularly by the catholics as a peculiar merit, was followed by an extreme reluctance to lay them down again, after the restoration of peace. Occasional votes of thanks to those volunteers had been moved, and too readily assented to, by the Irish parliament, as, in fact, the oject was to prolong the continuance of an institution not regularly acknowledged, which, in a different period, might well become a subject of great political uneasiness. This was accompanied with serious symptoms of internal disgust. But by a decisive vote of ultimate thanks to the volunteers, with a recommendation to disembody and return to the occupations of peace, in which government had the good fortune to be supported by the manly and powerful eloquence of a distinguished character (Mr. Grattan); at this moment, perhaps, supporting, with his powerful energies, in another place, the prayer of this petition, which many fear, if granted, would be more dangerous to the established constitution than were the unauthorised parades of some catholic corps of volunteers. It was about this time, too, that the first bill for an Irish militia was brought forward, at the desire of government, by the late Lord Mountjoy, (who since gallantly fell in defending his country against the fury of civil commotion); and who, though the first to bring forward the catholic petition in parliament, afterwards fell the first victim of a rebellion, in a great degree catholic. The noble lord stated these circumstances, as well to develope the real state of the catholic body, and the origination of those indulgences which have since so rapidly succeeded each other, as to mark the objects and designs which have actuated the movements of the different members of that body. It was a great error to suppose that the idea of complete catholic emancipation from all restrictions was only hinted for the first time in 1788 or 1789. The noble lord (Grenville) who brought forward this petition, had appealed to the experience of those who had resided, in official situations, in Ireland, to speak to the catholic character and conduct. Other noble lords had ably and honourably done so; and he would now add such testimony as occurred to his own experience.—The great change effected in the political situation of Ireland in 1782 continued unfortunately to have a lasting effect on the catholics of all descriptions, ever afterward. From these might be dated the systematic restlessness, disorder, nay, absolute disloyalty, in a large portion of the lower orders, and the growing eagerness in the higher classes for place and power. Both adopted measures but ill chosen for success; but they decidedly marked the fast hold those objects had taken on the catholic mind. They formed great expectation of advantage from the new-born independency of Ireland upon England; but shortly after, those hopes were changed to doubt, and then to despair; murmurs and complaints ensued at their meetings, and demagogues, and priests chosen from the lowest orders, educated abroad, and fraught with seditious principles, laboured to work up the minds of the people. They were taught to rely for every thing on the superiority of their numbers, and a separation from England. Relief from tithes and rents, and gain of property and provision without labour, were all to arise from this separation; and it soon became a cant word, and the bond of a dangerous union. White Boys, and other predatory associations arose, which, though soon suppressed by the vigour of government, still left behind them those germs of their principles, that never since have been quite extinguished. The weight and influence of their higher orders, and particularly of their clergy, were considerably diminished; and have never since been regained. Their lassitude and tardiness in aiding to suppress the disorders alluded to, were observable to government; and there appeared but too much cause to suspect that such aid was reserved for conditional compensation. In the beginning of 1786, Dr. Butler, the titular archbishop of Cashel, a man of considerable talents and high family connexion, and then considered the great organ of the catholic cause, addressed a remonstrance to government, upon the disappointment felt by the catholics at the lapse of a whole session of parliament, without any mark of favour to them. Long sufferings, merits, and expectations were urged, and much mortification and discontent were expressed, especially as parliament was not engaged in the consideration of any foreign war, or other business of difficulty or embarrassment; and after expatiating much on their zeal in the volunteer cause, and their uniformly inoffensive and loyal conduct, the remonstrance concluded by saying, they would be satisfied for the present with some introductory privileges, such as the professions and honours of the bar and army, as preludes to the attainment of every thing else. The answer to this remonstrance expressed surprise at the matter, manner, and time of it; and at the same time reminded Dr. Butler, and through him, his community of the internal disorders and commotions then existing, excited by and confined to catholics, and most prevalent where catholic influence was the most powerful. It therefore denied the propriety of any remonstrance, expectation, or requisition for favours, while there was no mark of auxiliary exertion from the higher catholics to support the tranquillity and good order disturbed lately by their own community. Several conferences followed, which ended in an offer on the part of government to submit the claims of the catholics to parliament; but not without conditional professions of active gratitude. The hazard of such a reference was thought much greater than the probability of its success: but there was an end, for the time, to petition, and remonstrance, and, soon afterwards, to the appearance of open and predatory disaffection. This was in the administration of the Duke of Rutland; and the noble lord by no means meant to charge any temptation or feeling of disloyalty in the principal catholics, but, on the contrary, to acknowledge and vindicate their loyal principles, and the many proofs of which they had shewn. But he must observe, that their unchangeable views to their great object of final emancipation from all restrictions, and even under their partial and temporary indulgences from time to time, was an obvious check upon the voluntary and disinterested vigour of any zealous co-operation with government. The truth then seems to be, that, allowing them to be good and loyal subjects in their present situation, they have an insatiable thirst for power; and, how that might change their nature, there's the question.

> "Grant power,
> "And then I grant we put a sting into them
> "That at their will they may do danger with."

I cannot therefore, said the noble lord, help doubting at least, whether I should have been disposed, under such impression of still increasing claims upon every accession of favour, to have gone so far in removal of all disabilities as was done in 1793, especially in the instance of the elective franchise. It could not well be doubted by any man, who had a reasonable knowledge of human nature, and was aware of the position and views of this particular sect, that the concession here stated would be chiefly valued as a step to the right of representation. And who can pretend to be answerable for restrictive moderation even there? Temptation, &c. may be incited by the impulse of seeming means and opportunity, and then, in course, a dormant spirit of uneasy ambition might be roused into dangerous action.

> "Then last it may—prevent!
> "And if the quarrel will bear no colour for the things they are,
> "Fashion it thus; that what they are, augmented,
> "May run to these and these extremities, &c. &c."

I will not apprehend a mistaken suspicion, from such allusions, that I would entertain an unfriendly, much less an illiberal estimation of the catholic character, or would be found in adverse attack upon their comforts and immunities. If the limit is drawn, where it is, I would readily agree in the opinion of the noble secretary of state (lord Hawkesbury) that we should regard without regret the concessions already made; and I would cordially rejoice in being able to see a period of safe allowance for the grant of yet more. If I was to speak of individuals, there are many, for whom personal respect would lead me to desire the fullest gratification of their wishes. But I confine not my good thoughts within such a narrow circle: to all who by no prohibited excess or deviation from their loyalty in thought or deed are justly entitled to the rank of fellow-subjects, I would studiously endeavour to mark an attentive consideration and concern.—A noble lord (Spencer) has said, that whilst any incapacities remain, there will be remaining restlessness and complaint. That noble lord has not surely well reflected upon the more than possible danger to arise from admission of this argument as a ground for concession. What is to be a limit or restraint upon this source of disturbance and risk to our own establishment? Incapacities are not unknown to protestants, and cannot be wholly withdrawn from catholics without surrender of even equality. But I am really inclined to think, that sufficient reflection has not been bestowed on the value of what is now in possession or enjoyed by connivance. They are not friends to the catholics, who speak of their being driven to despair, and of their groaning under long and endless oppression. Imagination often creates more sense of suffering than does reality of cause; and we are frequently led to suppose ourselves objects of pity or disregard by the mistaken or officious suggestions of pretended sympathy. If we for a moment appreciate the real case as it is, and as it is pretended it ought to be, we shall find that no penalties or restrictions remain which can be felt by the great mass of that people, and that not the grant of all which is required, would add a grain to their real wants or wishes; and in respect of the few who might be objects of supposed benefit by the further indulgences, they are excluded only from certain situations by necessary regard for our constitutional establishment, and from which, in fact, they exclude themselves by refusal to aspire to them upon equal conditions with their protestant fellow subjects.—In justice to the liberality of the legislature, let us estimate the value of the last concession, that of the elective franchise! I cannot conceive that a more powerful incentive to habits of industry, and thereby to acquisition of property, could have been conferred; and it must be evident, that the competition was thus made more than equal in favour of the catholics. It ought also to be observed that a protestant legislature, part of it against its own immediate interests and convenience, made this in some degree at least, a sacrifice of the comparative superiority and even independence of the protestants, by the necessity imposed upon future candidates for parliament to solicit the favour of even the lower orders of the catholic freeholders. At all events, the token of wish for harmony and good fellowship was manifested beyond a doubt. It is not imputable to the protestant legislature in depreciation of the real boon, that all the benefit to which it was unquestionably conducive, was not derived from it by the objects of its participation.—Long as there shall exist the uncontrouled dominion of factious demagogues of whatever class, but especially that of the monkish priesthood over the minds of these wretched people, they will not be suffered to exert their resources with uniform and steady attention to any pursuit best calculated for their own advantage, and for the peace and prosperity of the country. And here we may reflect perhaps with regret upon the change (to which I before alluded) in the influence of the higher over the lower orders of the catholic community, which not only weakens the constant channel of communication with government, but disables those, who are in reality the most, if not the only petitioners immediately interested on this occasion, from strengthening their pretensions by the pledge of sure responsibility for the political conduct of the whole body.—I will not attempt to discuss the question of present relation in point of authority or subordination between the several branches of this catholic community in abstract matters of religion. This has been largely considered by other noble lords, with sufficient examination of the imperium in imperio, the catholic hierarchy. I would simply remark, that here assuredly is an instance of connivance beyond the usual cases of toleration; and I had ventured to regard it as an ever striking proof, admitted by the catholics, of the liberal forbearance of the protestant establishment. What may be the degree of danger which, in case of an allowance of catholic power, may be incurred from temptation and resources in this quarter, also to assume a more independent condition and unfettered acknowledgment, is a subject worthy of very serious reflection.—I will confess that I had persuaded myself of a remedy to all causes of uneasiness and alarm in the last great measure of an union of the kingdoms; I did expect from its accomplishment the removal of those baneful hopes of separation, which had sprung from the independence, and were, perhaps, in reality more adverse to the happiness and welfare of those who entertained them, than essentially dangerous to those against whom they prevailed. In whatever light, therefore, of unfavourable opinion, for the sake of all parties, I had from reflection and experience regarded the measure and the effect of independence, I certainly have altered that opinion in considering it as itself the great demonstrative cause by evident necessity of a successful call for the resource of an union.—The confusion and uncertainty, the speculations and excesses, in short, the total derangement (I will not use the word disorganization) consequent upon the one could not be, after such a trial, so effectually composed and harmonized by any other intervention than that of the other. It is certainly to be acknowledged, that all the good expected has not yet been experienced from this measure, especially in its effect upon the quiet and industrious demeanour of the lower catholics. The peace which ensued was of too short a duration wholly to erase all idle speculation, and to fix a well regulated content; and the recommencement of hostilities may have facilitated again the approaches of mischievous instigators, to revive the decaying embers of that miserable hope of a fallacious good, in separation from England by the help of foreign aid and maintenance.—Still, however, I venture to encourage the confident expectation, that from the union will ultimately arise a state of order and industrious exertion, which will produce more real and lasting welfare to this people, than all the imaginary promises of every good from the wildest emancipation. Neither time then, or circumstances, are now favourable to the entertainment of this petition. But it has been exclaimed, what, then! is all hope of more fortunate conjuncture, and of more auspicious situations of affairs to be extinguished, and this oppressed people to be driven to comfortless despair?—I would answer with conscientious sincerity, that true belief, indeed, would induce me to place the measure of satisfaction best calculated for their real happiness in a supposed extinction of all views beyond the present ample means of comfort and prosperity. Let them be fairly estimated, cherished, and enjoyed; they will produce a harvest of blessings. I dare not at present presume to dream of more, which may be good for them, or safe for us: but God forbid that we should venture to circumscribe the ways of his Divine Providence, which may remove obstacles at present too strong for our attempt to clear away or pass by. There may (and I wish there may) be future reasons, however unexpected now, to prove the security with which the protestants may grant the competency of the catholics to be entrusted with the fullest participation of rights and privileges: they may, by habits of industry, good order, harmonious concord, social intercourse, mutual good-will, and reciprocal good offices, and by zealous patriotism and loyalty (all indeed having tendency to their own immediate benefit, and therefore the most gratifying to the liberal spirit of the legislature) give encouragement for unrestricted confidence. They may find cause unequivocally to withdraw that barrier (insuperable, whilst it remains in force) of divided allegiance, the obligation to papal supremacy, which a noble lord has most forcibly and most eloquently demonstrated to render vain all pretensions to equal rights by the want of equal conditions. I will not shut out the wish or the hope for such alteration of circumstances; but with our limited power of searching into future chance and change, we can, I think, retain this possible expectation, as the only prevention to a positive declaration, that here, even here, must Be all and the End all. We are, I am afraid, yet only on our own necessary defence. We are obliged in conscience, honour, and duty to ourselves, and to our constitution in church and state, to throw our shield of self-preservation before us, and on it to exhibit the warning motto of "ne plus ultra."

The Earl of *Longford* said a few words in favour of the motion; after which,

Lord *Grenville* rose to reply, and spoke in substance as follows: My lords; nothing but the duty I owe to the question and to myself, would have induced me to trouble your lordships with any observations at this late hour. In the course of what has fallen from noble lords during this debate, it has been thrown out by way of reproach, that to this petition is affixed none of the names of the catholic clergy of Ireland, and this most unjust and most unwarrantable inference has been drawn, that because they have not put their names to the petition, therefore they are not willing to subscribe to the sentiments of loyalty and attachment expressed in the petition. Now, my lords, I assert it again and again, and am willing to lose all consideration with your lordships if I do not prove, that the contrary is the fact; if I do not prove, that they have signed the declaration themselves, and as an hierarchy have recommended it to others. I have the means of proving before a committee of your lordships, if you will let me go into that committee, that the catholic clergy of Ireland are not only willing, but anxious and desirous to take the oaths prescribed by law, and that they exert themselves to persuade others to take them. This I can prove by certificates from courts of justice in Ireland, and other concurrent testimonies. The reason alleged by the catholic clergy for not signing the present petition, and a correct and rational reason it is, is, that it prays merely for the enjoyment of civil rights. Those, therefore, who are abusing and vilifying this respectable body are not judging from facts, nor can they be well-wishers to the peace and prosperity of Ireland.—My lords, a noble lord has made a distinction between the oath of the catholics of Ireland and the oath of the catholics of England. He says the difference is, that the catholics of Ireland are not willing to take the same oath as the catholics of England, and he argues as if the catholics of England were willing to give some pledge of their loyalty which the catholics of Ireland were not willing to take. My lords, I maintain that the oath is equally binding on the catholic of Ireland as it is on the catholic of England.—I shall now make a few short observations on what fell from a noble and learned lord (Redesdale) who spoke at considerable length the other evening. The noble and learned lord told you, that there was in the catholic church of Ireland an establishment of bishops. This, my lords, is no information to any person who knows that the church of Ireland is episcopal, and that if you put down Roman catholic bishops, you put down the religion itself.—But the noble and learned lord asserts, "that they consider themselves as the only lawful successors of the ancient clergy of Ireland, assuming all the powers, and claiming all the revenues, of that clergy, treating the clergy of the reformed religion as usurpers; refusing obedience to all laws framed to curb the encroachments of the papacy on the sovereign power, and denying to the legislature of the country all power over the ranks, dignities, and authorities, and even the revenues of the church." My lords, I entreat your lordships to go into this committee to see whether this be true. If their own declaration is true, and that it is so I most firmly believe, they declare quite the contrary. I hope on a point of so much importance, your lordships will afford the petitioners some opportunity of proof. The next point, as to excommunication: the noble and learned lord says, "the authority of the Roman catholic clergy over their flock is enforced by the most dreadful of all means; by the power of excommunication, a power very different from that possessed by the established church." I appeal to the right reverend bench opposite, whether it be possible that any church can subsist, unless it possess the power of shutting those out of it who break the rules of the church, and act contrary to them.—The noble and learned lord has also stigmatized the Roman catholic clergy of Ireland, "as an unauthorised hierarchy, lifting themselves up in defiance of the law, and of all constitutional authority." He says, that "reigning uncontroled, their ecclesiastical courts govern the whole people; that they dissolve marriages for causes not allowed by law—pro-contract consanguinity, or affinity, in degrees beyond those prescribed by the legislature; that they license marriages within those degrees; that the evidence of marriage is wholly in their power; and that the legitimacy of children, and the succession to property, is under their control." My lords, let the noble and learned lord bring forth his proofs. If he can produce them, sure I am, that every person who hears me will cordially and anxiously join with him in finding the remedy. And if, in the course of your enquiry, you should discover four or five ignorant parish priests who have exceeded the limits of their duty, I will say then also, apply the remedy, go into the committee, and do not impute that to a whole body of men, which proceeds only from a few ignorant individuals. My lords, that such expressions should go forth to the world as proceeding from such a quarter is, in my mind, the greatest evil that can possibly arise from the present discussion. I will venture to say, that if you will turn your attention to the means of rendering the condition of Ireland more conducive to the happiness of the people, instead of vilifying and degrading the hierarchy, you must begin by respecting that hierarchy, and to make that useful and respectable class of men respected by those over whom they are to exercise their authority, you must secure to it an influence over those whom by law you cannot change, but to whom they will look, as their spiritual directors. Those who endeavour to effect this are practically the greatest benefactors to the empire, of which Ireland now forms so essential a part.—To the rest of the noble and learned lord's speech, I must decline offering any reply. Sorry I am to have heard that speech in this house; but more sorry, that it should go out to the world, that a person holding such opinions still continues in a situation of such great importance to the peace and tranquillity of the united empire!—The noble and learned lord has also said, and in which sentiment I perfectly agree with him, that if the claims of this petition are granted something further must also be done. I was told on a former night, that I had left something unexplained; that there was something more in my mind than what is expressed in the prayer of the petition. My lords, there is something more in my mind. I was not so weak as to suppose, that the placing a few persons in offices would have the effect of calming the minds of the people of Ireland. I well know that much must be done; and my opinion is, that many provisions and regulations must necessarily accompany the granting the prayer of your petitioners. But, I know of no manner in which it can be done so effectually, as by making this committee the ground work of those proceedings. One noble lord told us, that there had been no county meetings, nothing to convince us that the measure proposed is loudly called by the majority of the people. Surely, my lords, it is much to the credit of the petitioners, that there has been no clamour on this occasion. The pride of the petitioners has been, that they have exerted themselves to prevent that clamour, and to bring their petition before your lordships in that decent and respectful manner, which I conceive they have done.—Another objection, is, that it has been brought forward in a time of war. My lords, if there be danger, let us look that danger in the face. If this measure is ultimately right to be adopted, what time can be more proper than the present moment, when we are encompassed by dangers on every side, and when you are obliged to give up a part of your militia for the sake of increasing your disposeable force? I, therefore, call upon your lordships to lay aside all vain pretence, and if it be a good thing to do, do it in that moment when, of all others, it will be most serviceable to the country, and most welcome to your petitioners.—To those who think that the measure is so radically bad, that it never can be adopted, I would just say a few words. They talk of the bill of rights, the reformation, the title of the crown, and all that. But does any man living believe, that if we were to adopt the proposal of suffering Irish catholics to sit in parliament, it would in any shape whatever tend to destroy the reformed religion of this country? Surely, there must be great want of argument, when you are obliged to resort to such sophisms as this against the proposed measure! No blessing can light upon counsels conducted upon such principles.—Now, my lords, I come to the question, is it safe to give the catholics that which they ask?

And, what is the danger that could possibly arise from so doing? We are told that the catholics differ from all other sects. You may endure dissenters, you may endure men of no religion, but you may not endure the catholics, because they do not acknowledge the king's supremacy. Great stress has been laid upon the objection on the part of the petitioners to take this oath; and this very circumstance, did no other consideration apply, would abundantly and clearly expose the falsity, inconsistency, and absurdity of the assertion, that the petitioners hold as an article of their creed, "that no faith is to be kept with heretics." Nothing now, it has been observed, in the course of this debate, remains to exclude the catholics from a full participation of the benefits of the constitution, but their sanctimonious regard for the dictates of an oath! And yet, up to this very hour, we have been told, that catholics consider themselves as not obliged to keep faith with heretics, and, consequently, pay no regard to the oaths they take with them. But this is not all. Let your lordships consider what this much talked of oath is in reality and in fact. Perhaps, many who talk so loudly of it, are far from understanding it. In point of fact, the oath of supremacy, as it now stands is not positive but negative. It does not assert that the king is the supreme head of the church, but that no foreign prince is so to be considered. It has been repeatedly argued and demonstrated, that the sense in which the Roman catholics regard the pope as supreme head of the church, is a theological, not a political consideration.—I shall not detain your lordships at this late hour with any further observations. If no other service is derived from the agitation of this question, this good will undoubtedly arise from it: that after all the letters and pamphlets which have been written against the catholics, it will be clear to the conviction of your lordships, that, from all their professions and all their declarations, doctrines have been insisted upon, which were never entertained by the persons to whom they have been attributed. The catholics will go from your bar acquitted by the most enlightened assembly. The question of actual attachment I will never enter into. But this I must say, that with very little exception, there has been an almost unanimous agreement, as to the loyalty and attachment of that body. The argument of one noble lord, who spoke early in the debate of this night (the earl of Buckinghamshire) is inconsistent and absurd in the extreme. The noble earl said, that "his Majesty had not in his dominions a set of men more sincerely attached, or better affected to his person and government, than the noblemen and gentlemen who represent the catholic body in Ireland; but," added the noble earl, "these noblemen and gentlemen have long ceased to have any influence over the great mass of the Roman catholics in Ireland." Why then, I would ask, should we hesitate to grant the prayer of the petition, which goes to affect a comparatively small number of persons, and who are described as loyal and faithful subjects, and yet grant to the lower orders of the great body of the Irish catholics, reputedly a contaminated mass, every thing they can reasonably enjoy under the constitution? The argument of the noble earl involves this farther inconsistency. He entertains fears that great catholic proprietors would soon exclusively be returned for the counties, by a great majority of the catholic freeholders; and yet, almost in the same breath, he asserts, that persons of that description have ceased to have any influence over the great body of the Roman catholics! Yet, entertaining so high an opinion of these noblemen and gentlemen, these are they on whom and on whom alone, you are desirous of placing these restraints. To presbyterians you give a full participation in the blessings of your constitution. From them you withhold nothing. Yet, from the catholic noblemen and gentlemen of Ireland you withhold every thing. My lords, how can this be reconciled with any principle of reason or of justice? How can you withhold these blessings from men who have risked their lives in defence of their country, and in defence of those laws in which they earnestly pray to be made joint partakers? You owe much to the zeal, the loyalty, and the active exertions of the protestants of Ireland, but to no set of men do you owe more than to the catholic noblemen and gentry from whom you withhold these privileges. I hope I have proved, that you have nothing to fear from granting the prayer of this petition. If you have any thing to fear, the way is to give up those distinctions which at present exist. The true way to meet that danger is by doing away those distinctions, and firmly uniting those two bodies into one. I trust, I have also proved, that there is throughout your empire, no outpost so vulnerable as Ireland. It is an old citadel, whose superstructure you yourselves have demolished; but as for shelter, at present it affords you none! My lords, I have no more to say. I am ashamed at this late hour to have trespassed so long upon your time. I do entertain a belief, that the force of reason, like the rays of the sun, is breaking in upon us, and that the day is not far distant, when she will triumph over all prejudices, and will produce a decision favourable to the cause of your petitioners. I am persuaded, that the agitation of this question will be of service, that an impression will be made on the minds of the catholics that there is a growing desire to examine their case, and that whatever degree of prejudice may still prevail amongst us, there is nevertheless, so much liberality, that the catholics will retire from your bar confident of ultimate success.

Lord *Sidmouth* rose to say a few words by way of explanation. It was his idea, as well as his wish, that all remaining restrictions on the relgion of the catholics of Ireland, if any did remain, should be removed. He would also allow them a full community of civil rights with the rest of his majesty's subjects; but never would he agree to put into their hands powers sufficient to subvert the constitution.

The house then divided, when the numbers were,

For the motion.	Contents	37	
	Proxies	12	
			49
Against the motion.	Contents	133	
	Proxies	45	
			178
Majority against the motion			129

At six o'clock on Tuesday morning the house adjourned.

HOUSE OF COMMONS.

Monday, May 13.

[MINUTES]—A petition of several persons interested in British ships and vessels frequenting and trading to the port of London, was presented to the house, and read; taking notice of the bill to repeal two acts, passed in the 6th and 32d years of his late majesty, for the regulation of lastage and ballastage in the river Thames, and to make more effectual regulations relating thereto; and setting forth, that the same contains several clauses and provisions which, if passed into a law, would be very injurious to the petitioners; and therefore praying, that they may be heard, by counsel, against so much of the said bill as affects them, and that the same may not pass into a law as it now stands. Ordered, that the said petition be referred to the consideration of the committee to whom the said bill is committed; and that the petitioners be heard, by their counsel, before the said committee, upon their petition, if they think fit. Ordered, that it be an instruction to the said committee, that they do admit counsel to be heard, at the same time, in favour of the said bill, against the said petition.—On the motion of Mr. Rose, the house, in a committee, went through the bill for regulating the office of paymaster of the forces. The report was brought up, and ordered to be taken into consideration on Monday.—Mr. Western proposed that all gentlemen upon the corn committee should have votes, which was agreed to.—Admiral Markham gave notice, that on Wednesday he should move for the naval papers, of which he had given a previous intimation.—Ordered, that the order of the day, for the house to resolve itself into a committee of the whole house, to consider of the report which was made from the committee to whom the petition of the master, wardens, freemen and commonalty, of the mystery of vintners of the city of London, under their common seal, was referred, be now read: and the same being read; it was resolved, that this house will, to-morrow, resolve itself into the said committee.—Ordered, that the order of the day, for the house to resolve itself into a committee of the whole house, upon the bill for repealing so much of an act, made in the 34th year of his present majesty, as exempts slate, the value whereof shall not exceed twenty shillings per ton, brought coastwise within Great Britain, from the duty thereby granted, be now read: and the same being read; the house resolved itself into the said committee; and, after some time spent therein, Mr. Speaker resumed the chair; and Mr. Alexander reported from the committee, that they had gone through the bill, and made several amendments thereunto, which they had directed him to report, when the house will please to receive the same. Ordered, that the report be received to-morrow.—The order of the day being read, for the house to resolve itself into a committee of the whole house, upon the bill for making more effectual provision for the supplying of cities and market towns in Ireland with water; resolved, that this house will, to-morrow, resolve itself into the said committee.—Ordered, that the order of the day, for the second reading of the bill for granting to his majesty certain additional stamp duties, for amending the laws relating to the stamp duties, and for indemnifying persons who have acted as notaries public, without being duly licensed in Ireland, be now read: and the same being read; the said bill was read a second time, and committed to a committee of the whole house, for to-morrow.—A petition of Sir T. S. M. Stanley, bart. was presented to the house, and read; taking notice of the bill for improving the passage between the town of Liverpool and the county of Chester, at the Rock Ferry, on the river Mersey, and for levying tolls on vessels using the same; and setting forth, that the petitioner and his ancestors have for time immemorial been seised of an ancient and very valuable ferry on the Cheshire side of the said river Mersey, called Eastham Ferry; and in case the piers, slips, and quays, in the said bill mentioned, are made and extended in the manner thereby proposed, the petitioner may be greatly prejudiced, and the profits of the said ferry considerably diminished; and therefore praying, that he may be heard, by his counsel, or agents, against the said bill, and that the same may not pass into a law. Ordered, that the said petition do lie upon the table, until the report be received from the committee to whom the said bill is committed; and that the petitioner be then heard, by his counsel, or agents, against the said bill, upon his petition, if he thinks fit.

[PETITION FROM CORNWALL RESPECTING THE TENTH NAVAL REPORT.—A petition of the gentlemen, clergy, freeholders, and inhabitants, of the county of Cornwall, was presented to the house, and read; setting forth, "that the abuses in the expenditure of the public money, which have been lately brought to light by the commissioners of naval enquiry, have filled the minds of the petitioners with alarm and indignation, and they call upon the house for the speedy remedy of such abuses, and for the exemplary punishment of the offenders; and that abuses in the expenditure of the public money (at all times matter of grievance) are peculiarly felt at this time, when so great a weight of taxation falls upon all ranks of people; and that a defence has been attempted of the guilt of the offenders, by the assertion that no actual mischief has been sustained by these gross breaches of trust and offences against law, as if the direct violation of a statute were not a high crime and misdemeanour without the aggravation, that the violation of which the petitioners complain was systematic, and committed by a confidential servant of the crown, himself the framer of the act which he has broken, and enjoying an increased salary under that very act, in full satisfaction of all wages and fees, and other profits and emoluments theretofore enjoyed by former treasurers; and that such a defence naturally increases the fear that peculation in the expenditure of the public money is not confined to the naval department; and that the petitioners have long submitted to severe privations, in the persuasion that they were necessary to the welfare and safety of the country, and they claim, as their right, that the money which is liberally granted shall be legally applied; and that the petitioners look with a confident hope to the house, after their votes of the 8th and 10th days of April last, that, as constitutional guardians of their liberty and property, they will neither be deterred nor diverted from a full and impartial enquiry into all abuses, in whatever department they may exist; and that the enquiry now begun will not cease, until all abuses in every public board be remedied, since so only will the minds of the petitioners be satisfied, the credit of the government be upheld, and that free constitution be preserved inviolate, which is the sacred birthright of Englishmen; and that lord viscount Melville, having been declared guilty of a high misdemeanour, by the vote of the house of the 8th of April last, a civil action is inadequate to the end proposed, and in itself incapable of satisfying the demands of public justice." Ordered to lie upon the table.

[PETITION FROM COVENTRY RESPECTING THE TENTH NAVAL REPORT.]—A petition of the principal inhabitants of the city and county of the city of Coventry, was presented to the house, and read; setting forth, "that it appears to the petitioners, from the tenth report of the commissioners of naval enquiry, and by the votes of the house of the 8th and 10th days of April last, decisions which have excited the highest veneration and gratitude in their breasts, that there has been the most gross and scandalous misapplication of the public money in the office of lord viscount Melville, with his privity and connivance; and the petitioners deeming it highly essential to the detection of further mal-practices, that every department of government should undergo a strict and impartial scrutiny, and that every delinquent may be brought to exemplary punishment, humbly intreat that the powers so wisely and judiciously by the house intrusted to the said commissioners, and by them so ably, uprightly, and indefatigably employed, may be continued, or, if thought necessary, further extended." Ordered to lie upon the table.

[PETITION FROM ESSEX RESPECTING THE TENTH NAVAL REPORT.]—A petition of the noblemen, and the humble petition of the gentlemen, clergy, and freeholders, of the county of Essex, convened by the high sheriff, at Chelmsford, the 28th day of May, 1805, was presented to the house, and read; setting forth, "that the petitioners humbly feel, that it is no less their duty than their earnest wish and desire, to offer their warmest thanks to the house for their decisions on the 8th and 10th of April last, whereby they so clearly demonstrated, and justly censured, the gross violation of law, and breach of public duty, committed by lord viscount Melville whilst he held the office of treasurer of his majesty's navy; and the petitioners further beg leave to express the satisfaction they feel in witnessing, by subsequent votes of the house, their determination of prosecuting enquiries into all other violations of law and abuses of public trust, which may have existed in any other department of the public expenditure; and that, in the present situation of the empire, engaged in a war of unparalleled expense and difficulty, the petitioners feel, that it is essentially necessary to insure the strictest application of the national resources to the great and important objects for which they are called forth; that they entertain the fullest persuasion, and it is their earnest wish and prayer, that the house will exercise that control over the management of the public money which in their wisdom may appear necessary; that they will persevere in those measures which they have already begun; and that they will establish a system of just and prudent economy in every branch of the public receipt and expenditure." Ordered to lie upon the table.

[Lord Melville.]—A message was delivered from the lords stating, "that the lords do give leave to the lord Harrowby to come to the select committee of the house of commons, to whom the tenth report of the commissioners of naval enquiry (respecting the office of the treasurer of his majesty's navy) is referred, to enquire into the application of any monies issued to the treasurer of the navy for naval services to purposes not naval, and whether any, and what representations were made to the lords commissioners of his majesty's treasury, or the chancellor of the exchequer, respecting the withdrawing from the bank any sums of money so issued since the passing of the act of 25 Geo. III. c. 31; and also into the proceedings had for the recovery of the debt due to the crown by the late Adam Jellicoe; in order to be examined at that committee, if his lordship thinks fit;" and also, "that the lords do desire a present conference with this house, in the painted chamber, upon the subject matter of their message to the lords, on Friday, the 3d day of this instant May, desiring that their lordships will give leave to lord viscount Melville to come to the select committee of this house, to whom the tenth report of the commissioners of naval enquiry (respecting the office of the treasurer of his majesty's navy) stands referred, in order to be examined at that committee." And then the messengers withdrew.—Resolved, that this house doth agree to a conference with the lords, as is desired by their lordships. And the messengers were again called in; and Mr. Speaker acquainted them therewith. And then they again withdrew.—Ordered, that a committee be appointed to manage the said conference. And a committee was appointed accordingly. Then the names of the managers were called over; and they went to the conference, and being returned; Mr. Leycester reported, "that the managers had met the lords at the conference, which was managed on the part of the lords by the Duke of Norfolk; and that the conference was to acquaint this house; that the lords, always desirous that a good intelligence and right understanding should be maintained betwixt the two houses, and persuaded that nothing can tend more effectually thereunto than a close adherence to the ancient and regular methods of proceeding between the two houses, have desired this conference upon the subject matter of the message sent by the house of commons for leave for the lord viscount Melville to attend the select committee of that house in order to be examined, to communicate to the house of commons;—that it appears undeniably, by an uniform series of precedents down to the present time, that the course adopted by the lords, respecting the giving leave to the members of their lordship's house to go down to the house of commons, has been to permit the members of their lordship's house, on their own request, to defend themselves in the house of commons, if they think fit, on any points on which that house has not previously passed any accusatory or criminating resolutions against them; and also, to permit the members of their lordship's house, on the request of the house of commons, to give evidence, if they think fit, before that house, or any committee thereof, on those points only on which no matter of accusation or charge is at that time in any manner depending against them before that house, whether the same shall then have been resolved by the house of commons or not.—That the lords had also directed them to acquaint the house of commons, that their lordships, relying with the most perfect confidence that the house of commons are at all times as desirous to preserve the privileges of the lords as to maintain their own, have given leave to lord viscount Melville (who had also previously made it his own unqualified request) to go down to the select committee of the house of commons, to whom the tenth report of the commissioners of naval enquiry (respecting the office of the treasurer of his majesty's navy) is referred, to enquire into the application of any monies issued to the treasurer of the navy for naval services to purposes not naval, and whether any and what representations were made to the lords commissioners of his majesty's treasury, or the chancellor of the exchequer, respecting the withdrawing from the bank any sums of money so issued since the passing of the act of 25 Geo. III. c. 31; and also, into the proceedings had for the recovery of the debt due to the crown by the late Adam Jellicoe; in order to be examined at that committee, if he shall so think fit, his lordship, nevertheless, conforming himself in all respects to the course directed to be communicated to the commons as above."

[PETITION FROM OXFORD RESPECTING THE PETITION OF THE ROMAN CATHOLICS OF IRELAND.]—A petition of the mayor, bailiffs, and commonalty, of the city of Oxford, in common council assembled, was presented to the house, and read; setting forth, "that the petitioners having seen, by the votes of the house, that a petition has been introduced there from certain Roman catholics of Ireland, on behalf of themselves and others, professing the Roman catholic religion, complaining of divers restraints and incapacities to which they are subject, by the statutes now in force against them, and praying to be relieved therefrom; the petitioners pray the house, that the several statutes constituting and establishing those restraints and incapacities, of which the said petition complains, may be preserved inviolate, inasmuch as those statutes appear to have been devised, by the wisdom of our ancestors, as the best and surest means of giving permanency and security to the protestant government of this country in church and state, and as, in the firm belief of the petitioners, the same, or equally as strong, reasons now exist for the continuance of those statutes as when they were enacted."—Ordered, that the said petition do lie upon the table.

[ROMAN CATHOLIC PETITION.]—The order of the day being read for taking into consideration the Petition of the Roman Catholics of Ireland, and the petition itself (see p. 97) being also read by the clerk,

Mr. *Fox* rose and spoke as follows: Sir, at the same time that I cannot help feeling a considerable degree of anxiety at being about to bring before the house a subject which, according to my conception of it, seems, in its probable consequences, some nearer and some more remote, to be of the very highest importance; yet, I confess, I feel infinitely less agitated than upon many other subjects on which I have lately had occasion to address you. It is certainly a sort of recreation, if I may be allowed so to express myself, after having been obliged to perform the harassing duties of accusation; after having promoted enquiries into circumstances, certainly not more honourable to the country at large than to the individual concerned in them; after having had my mind so harassed and occupied, to feel that I am not now the mover of accusation, but that I am pleading the cause of my fellow subjects, and that I am endeavouring to add to the strength of the country, without taking from the credit, power, or authority of any living man in the empire. I cannot help being sensible of the contrast between the duties lately imposed upon me, and that of attempting to draw the attention of the house to a subject, which, however embarrassing the discussions of it may be to some persons, has at least this advantage, that it rests entirely on principles of general affection and good will, connected with views which every man must approve, and no man can condemn. The question, sir, that I have the honour of bringing before you, and I do feel it a great honour to have been desired to bring it before you, is no less than a petition, signed not indeed by any very great number of persons, but embracing, and I take it at the lowest calculation, when I say, one-fifth of his majesty's subjects. Nay, further, I believe I shall not be incorrect, if I state them at one-fourth of the whole of his majesty's subjects in Europe. My duty, therefore, calls upon me to plead the cause of 3 or 4 millions of the people of Ireland, without reference to the proportion they bear to the population of that part of the empire, but which must be allowed to contain the greater proportion of the catholic subjects of his majesty—a proportion amounting to nearer a fourth than a fifth of the whole population of the empire. I feel particularly fortunate, that when I am pressing the claims of the catholics of Ireland to the consideration of this house, I am not pressing them as adverse or hostile to the power or pre-eminence, much less the liberty, or privileges, of the subjects of any other part of the country. If I could persuade the house to do justice to the catholics, I should persuade them to render a most important service indeed, perhaps the most essential that remains to be done, or that ever was done, for the security, the greatness, and general weal of the empire, whether with regard to its internal policy, or external relations.—It may be somewhat difficult for me to choose on what part of the subject it is most proper to begin. The plain and simple statement of the question, and the first argument in support of it, would naturally be drawn from matter of fact, concerning which no controversy or difference of opinion ever did or can exist; I mean the number of persons who are affected by the question. If I had not heard that different opinions were entertained with respect to the policy and expediency of granting the prayer of this petition, I should hardly think it could be a question, whether a portion of his majesty's subjects, so considerable as nearly one-fourth, should be on a footing with the remainder, or should have the enjoyment of equal laws, privileges, or advantages, and the full participation and benefit of the constitution and government of the country? Against the principle so generally stated, cause may be shown, suppositions may be urged, and facts may be referred to, with a view to show that this, as well as any other general principle, may be liable to error. I will not detain the house long upon this point; but it is necessary I should call its attention to a topic, which may be considered more an object of theory than any thing else. I shall trouble the house but shortly, and only explain my opinion, that, whatever difference of sentiment and feeling may exist, that difference is purely theoretical—the question, in point of practical application, is precisely the same. What some call rights, and what others call indulgences, are precisely and exactly the same. The differences are rather differences between words than things.—There are two modes of considering this question; 1st, as it regards the rights of the subject; and 2dly, as it affects the rights of the crown. That which was most in fashion at different periods of the last century, was the latter mode of viewing it. For my own part, I do consider the rights of the people governed to be the prominent rights. I consider, that those who compose the society of a state have a complete and unquestionable right to equality of law; but I do at the same time admit, that this principle is not to be taken generally. I admit the force of the other general maxim, that salus populi suprema est lex, and ought with propriety to be considered as an exception. Not only very able men, but men of practical knowledge, have in their closets considered it in that light. A most respectable modern writer of our own country, now living, (Dr. Paley) has stated, that the general right of government is to do whatever may be necessary for the advantage of the people: but he, and every man of sense, will tell you, that although this is undoubtedly the general right, yet whenever it is exercised by restrictions with regard to one class of the people, such exercise becomes an abuse; or, in other words, the people have a right not to be restricted in any thing that is not adverse to the safety of the country. The people have a right to be exempted generally from unequal restriction; but when the safety of the country demands it, and history shows us that such instances are numerous, they are exceptions to the rule, and have always been so considered.—In the way in which different persons consider this subject, a difference of opinion has been produced, but the conclusion is the same. Some say they would give the catholics what they require, as a matter of favour, and a matter of policy; but not as a matter of right. Now, I say, I would give it to them as a matter of right: but we, however, shall not differ, if the practical consequence of our reasoning come to the same thing. I would give it as a right, because it is the general right of the people, and because there is no exception which ought to operate against the catholics of Ireland. Though government has a right to impose restrictions; yet, if there be no necessity for them, then comes the right of the people to enjoy the benefit of every law, provided such enjoyment is not mischievous in its consequences to the country. It was therefore, sir, I wished to say these few words, because it is so important a part of the subject, and one which, from the nature of it, cannot be a question to-day, but may recur and become a question for future consideration. I should wish that all should understand each other, and particularly that it should not be supposed there is any essential difference, when, in fact, it is a difference of words rather than of principles. Whatever differences exist with respect to the two theories, it is evident they lead to the same practical consequences. To apply this to the Roman catholics of Ireland, I do not lay down a principle too large, when I state that it is the general right of the catholics, as well as of the protestants, to be on an equal footing, to have equal laws, privileges, and immunities, in all cases where they are not prejudicial to the welfare of the state. The only differences that could arise would be with regard to the degree in which they should enjoy those rights. Cases might be put where persons might say nothing could justify a departure from the rule of right, but expediency. Some might say, political advantages, connected with external relations, would justify it; others would require such a degree of expediency as would amount to a necessity. They would require that not only the greatness of the country, but the security of the country, should be concerned. I flatter myself we shall not go on such near shades. The Roman catholics of Ireland have undoubtedly a right to equal laws; but the government has thought fit to curtail that right, and to put them on a footing disadvantageous to them.—To enter into the question, whether the laws for restraining the catholics were originally politic, or, rather, whether they were just; that is to say, whether the policy which dictated them was of such a nature as to render that just which was not within the general rule of justice, would be a discussion exceedingly unnecessary at this moment. At the same time, it will be necessary to attend to the particular period of history in which these restrictions were principally imposed. I think I need not state what will be the argument in reply. No man's mind, I hope, is so framed as to imagine that the restrictions can be justified on account of the length of time they have been allowed to continue. Such an opinion would be a solecism in political reasoning; it would do away the original principle on which such laws were founded, to contend, that though they might be unnecessary at the time they were adopted, yet that, by a long lapse of time, they have acquired a prescriptive light. If a restrictive law is made on account of peculiar circumstances of a political nature, the moment those circumstances cease, the restriction ceases to be politic, and consequently ceases to be just. I cannot conceive how any man can be justified in supposing that, where the circumstances on which a law is founded have ceased, the justice of continuing that law can be a matter for fair reasoning. It may so happen, though I think it has not so happened in this case, but it has nearly happened, that the fact of long restrictions may make it difficult afterwards to restore the objects of them to that situation in which they would have been if the restrictions had never been imposed. I think one may generally state, that all the restrictions of the catholics were laid, not on their religious but their political opinions. At the time they were made, I have doubts whether many of those who concurred in them did not disapprove of the principle; and I have doubts also, whether others did not mix sentiments of persecution and rancour with those restrictions. I would not wish to go to antient times; but in the early period of the reigns of Queen Elizabeth and James I. no one can suppose it was any particular religious bigotry that led to the restrictions with regard to the catholics. As far as one can learn of the character of Queen Elizabeth, her faith was not so repugnant to the catholic religion as that of many protestant ministers, who were principally concerned in the restrictions. She managed the question with a degree of prudence which proved her one of the most consummate princes of the age. She seemed to be engaged in a general war with several great catholic powers, and particularly with the King of Spain. From the connexion which the King of Spain had with the catholics by the league with France, she was necessarily involved in disputes with France, as well as other powers of the continent; therefore they were political circumstances which occasioned those harsh and severe laws against the catholics which passed in her reign. Whatever other pretences might have been resorted to, it is plain the catholics were not considered as the loyal subjects of Queen Elizabeth. But I am speaking of old times, and the circumstances of them do not relate to the present. Even in the reigns that followed, very few restrictions by penal law were enacted, very few restrictions of disabilities took place till a much later period. This may be accounted for from the circumstance that there was no suspicion of the catholics; but afterwards, in the time of the Stuarts, and Charles I. and II., suspicions had taken possession of the minds of the people of this country, which made those restrictions necessary, many of which have been done away, and some are now under consideration. When we come to the revolution, it is impossible not to see that all the laws of the catholics were political laws. It was not a catholic, but a jacobite, you wished to restrain. When King James was driven from the country; when his enormous tyranny became so mixed with bigotry, that many persons professed to be able to unravel his conduct, and tell what to attribute to religion, what to bigotry, and what to tyranny, it was easy to suppose that the catholics should be actuated by an attachment for a king who had lost his throne in consequence of his partiality for their faith. Ireland at this time was the seat of civil war. Undoubtedly it was natural, after that war was settled by conquest, to prevent the conquered from enjoying the privileges of the conquerors. It was not against the religious faith of those who adored the Virgin Mary, or believed in the doctrine of transubstantiation.—King William was unquestionably a great man; I may say the greatest that ever filled the throne of this or any other country; but whoever would wish to raise his character, by representing him as a persecutor of heresy and idolatry, materially mistake the character of that prince. I am persuaded, that he most reluctantly consented to harsh measures against the catholics of Ireland, and only did so, because it was represented to him by his ministers, that they were absolutely necessary. That King William would have acted wiser, if he had made those restrictions less harsh, it is not now our business to consider. King William, in conceding his own to the opinion of others, acquiesced, on the ground of the difference of opinion among the Roman catholics as to the right of succession to the crown, and in conformity to that advice which his ministers gave him. The years that followed the revolution were most of them years of war; and those that were not years of war, were, with reference to the catholics, years of a suspicious nature. Endeavours were made to bring about a religious war, in which it was impossible for the enemy not to have looked with confidence to the assistance of Ireland, and therefore the catholics were disarmed. It might have been wise so to do. That there were bigoted motives actuating some I will not attempt to deny—there were many persons in this, as well as that country, who were of opinion, that by these persecutions they should convert to the protestants the property of the whole kingdom of Ireland: others there were, who thought that more lenient measures were likely to be more successful. The effect proved that the measures adopted not only failed, but they were of a nature which rendered their success absolutely impossible. They were laws which, though nominally against the catholics were substantially against the jacobites. In the two next reigns the same laws continued, because the same spirit was supposed to exist, and the same danger to be apprehended from it. In the rebellions which followed, the conduct of the catholics in remaining quiet, gave them a just claim to the indulgence of the house; yet no man who considers the grounds of those rebellions, will think that any degree of trust could have been reposed in the catholics.—We come now to the period of his present majesty's reign: a period at which all danger of a pretender, and the return of the Stuart family to the throne, was extinguished. I should certainly say, that all danger of that nature had vanished in the latter end of the reign of George II., and that there was no longer any dispute as to the succession to his majesty's crown. From that period no further danger existed. During the lord-lieutenancy of the duke of Bedford, at the time of his majesty's accession, the system of relaxation towards the body of the catholics was adopted. There was a remarkable circumstance at the period to which I am referring, that proves to me more clearly than any thing else, that the causes of these restrictions were at an end. So far was the lord-lieutenant of Ireland, during the American war, and the war with France, from pretending that there was any danger to be apprehended, that upon an alarm on the coast of Cork, arms, though contrary to law, were put into the hands of those against whom the restrictions remained, on account of the unjust suspicions that they were not worthy of being trusted. Then undoubtedly there was a good deal of difference of opinion; for although there was not much doubt in this house, yet gentlemen must know that the catholics of Ireland were the subject of much consideration. I need only refer to the letters published by the late Mr. Burke relative to the conversations in those days. I remember in 1776 or 1777, the matter being mentioned in a conversation in this house. It became a topic of discussion during the period of the American war, when party politics ran high, and when persons felt warm, as undoubtedly they ought to feel upon occasions of such public importance. The opinion then was, that it was a desirable thing to liberate the catholics from the disqualifications which attached to them; and I rather believe that the real grounds of the motion, and of the bill, moved and seconded by two celebrated names, sir George Saville and Mr. Dunning, were not so much to relieve the catholics of Ireland. I did conceive, that to bar a man of his right on account of his religious opinions, was tyranny, that the maxim of salus populi never could apply, because the safety of the people could not operate as a ground for preventing a man from enjoying his religious opinion. A great disposition was shown to follow up the system of relaxation. It was thought that what had been done might lead to a relaxation of all the laws against the catholics. All that scattered men's minds at the time was this,—an apprehension of the pope or pretender. There might have been in some persons sentiments of respect and compassion, and in others an inclination to taunt or insult; but there was not one person who had any degree of fear or terror, as one single ingredient in forming his opinion. It was said, that the restrictions in Ireland, the ferocious manners of those who were protestants, and the insults sustained by the catholics, had produced, as Mr. Burke says, a degree of desperation in that unhappy people, which made it doubtful how far they were to be trusted. The effect of the system had been that of changing, by degrees, the whole property of Ireland, and that country was brought into a state highly to be lamented. I do not mean to make any comparison between the treatment of the black slaves on the coast of Africa, and that of the people of Ireland; I mean only to state, that it was a circumstance likely to produce the general disaffection of the people, that the whole of the property was in the hands of the protestant ascendancy, while the mass of the population was catholic. Even among those whose forms of government are less free than ours, the property and power should go hand-in-hand, and there should be no other distinction except that of the proprietor and the servant. We began by enabling the catholics to acquire property. What has been the consequence? The power connected with the free trade and constitution we gave to Ireland in 1782, has produced an increase of property beyond all proportion greater than that enjoyed by the protestants. There has been not only an increase of mercantile property among the catholics of Ireland, but also of the landed property. This has been attended with the happiest effect. It has produced the effect of softening and correcting those distinctions between the catholics and the protestants, which were found so oppressive. The catholics are now possessed of a great deal of that property which was taken from their ancestors. I mention this, because one of the apprehensions with respect to the catholics was, that they had preserved memoirs of the ancient state of property, and that, on a favourable opportunity, they were to claim of the protestants all the property that belonged to their ancestors. This objection has been completely done away; for at this moment, if you were to reverse the act of settlement, and restore the property of those who possessed before Cromwell's time, I believe the catholics would be as great sufferers as the protestants. And what catholics? Why, the catholics who are now rich and powerful, viz. the only catholics to whom we would give an addition of power. From the time of the acquisition of property by the catholics, I have never been able to conceive on what principle their demands were not conceded to them; least of all, why particular restrictions should have been kept up, when others were abandoned. What are the restrictions now existing? The general restrictions may be comprised under these two heads: one, the incapacity under which the catholics lie with regard to the enjoyment of certain offices, civil and military; the other, the incapacity of sitting in either house of parliament. Gentlemen who have attended to all this history of the restrictions of the catholics (sorry I am to say, a large chapter in the history of Great Britain,) need not be told, that it has been useless with reference to the ends proposed, and certainly odious to those who have been affected by it. I believe it is not considered by foreigners as that part of our constitution which is most deserving of admiration. The two heads of restrictions are quite distinct. Suppose I proceed to consider, first, that with respect to offices; the restrictions under this head go either to limit the prerogative of the crown or the choice of the people. We restrain the prerogative of the crown in appointing the catholics to certain offices: let us examine on what ground. Originally the test act was for the purpose of excluding the catholics from the service of Charles II., to prevent catholics being appointed by Charles II. to executive offices: and here a very whimsical but strong observation occurs. One of the most popular arguments in favour of the test, with a view to the restraint on the prerogative, and I have heard it frequently used, was, that it was necessary to make the constitution agreeable to analogy; and that when it was insisted that the king should be of the church of England, it was necessary all his officers should be of the same persuasion. What beautiful uniformity there is in this, I own I cannot see. I apprehend that our ancestors reasoned in a very different manner. I apprehend it was not because we forced the king to be a protestant, that we found it necessary to have his officers of the same religion, but because we doubted whether the king was in reality a protestant or not, and because we suspected him of a design to overturn the constitution of the country, as in the case of James II. If we suspected him of being a catholic, it was right we should not suffer any officers to be near him who might assist him in an infraction of the constitution. But it is the most strange reasoning I ever heard, that because the king being a protestant, and therefore not liable to suspicion, you are to prevent him from having the assistance of his catholic subjects. This test passed in the reign of Charles II., and with the approbation of a very great man (Mr. Locke), who observed, that it might have been a necessary measure. The next reign was that of James II., who was a professed catholic. If there was any virtue in other days—God knows there was little enough in his: if he had repealed the test act, it would have been for the purpose of obtaining the means of acting against the liberty of the subject. Then how came the laws to be continued? The continuation of the test laws after the revolution, was because the dissenters being included in the test act, it was the object of the high church party to hold the dissenters to a law which they had favoured. It was a kind of compromise, on enacting it against the Roman catholics, to say, we will retain it against you. In this control of the parliament, it ought to be observed how the question stands. The test does not prevent the king from appointing a catholic to any office, civil or military; it only makes it necessary, after a certain time, for the person appointed to do a certain act. With respect to the catholic dissenters, you have given it up in a great number of points, and you have maintained it in others. We come now to the distinction of those cases in which you have given up the restraint. You have given it up with regard to all subordinate offices in the army and navy, and in the profession of the law, but you refuse it with respect to the higher offices. Then you say to the catholics, "we have kept nothing from you as a body; you do not all expect to be chancellors, generals, staff officers, admirals, or other great officers; therefore, as you do not all expect to arrive at these distinctions, there can be no harm in forbidding any of you to obtain them!" Do you wish the Roman catholics to be actuated by a sense that they are trusted by the executive government, or not? If not, and you should, in giving them offices, appear to entertain diffidence and mistrust of them, they will be executed with that remissness and disregard of the public service which such mistrust is calculated to inspire. Suppose I send to a gentleman of the law, and I say to him, it is true you may possess talents, but do you think there is any probability of your being lord chancellor? He might probably answer, that there was not; but is there not a very material difference in having an impossibility and bar put to the advancement of a man to the honours of his profession? Suppose a person is engaged in trade, and he can gain a bare living, or perhaps save about twenty pounds a year. I say to him, "you may go on, and be as industrious as you please, but you shall never make more than 1,000,000l." He says, he is contented. Well, but does any one think that this country could have arrived at the height it has, if there had been such a restriction on the exertions of industry? It is not because a man's quality is low, that he is prevented by the exercise of his faculties from becoming wealthy; but if you limit his endeavours, you destroy the spirit of enterprise and exertion which impels him, and, by such a system finally prevent his success. Do you not think it would be the most destructive blow to the enterprise, industry, and energy of the country, and undermine the principal source of our riches, to put a restraint on the exercise of a man's genius and industry? Do we not often hear of a person, not of consequence either from birth or fortune, say, "I live, thank God, in a country, were, by industry and talents, I may arrive at the fortune of the greatest duke in the land." Is not this cheering? Is not the unlimited power of gain the great principle on which industry, enterprise, and commerce exist? What should we say if men of particular descriptions were to be restricted in their fair pursuits? They stand marked and circumscribed to the limit of their possible gain. Apply the principle to the professions—to the law particularly, the one perhaps in which it operates the most. I would ask those who are conversant with the profession, whether it would not damp the ardour of a young man, if he were to be told that he might obtain some pecuniary advantage, but that he could never rise to any office of dignity. I am not supporting the propriety of indulging sanguine hopes, but certainly one of the greatest incentives in the breast of a parent to give his son a good education, is the hope of one day seeing him fill the situation of chancellor, or some other splendid office. Take that hope away, and you destroy the greatest incentive to an aspiring mind. But when you apply the argument to a military life, how much stronger is it! Is not the very essence of the profession ambition, and a thirst of glory? What can you expect of a lieutenant or captain, who, after exerting himself in the service of the country, comes home, and, reflecting upon the dangers he has shared, admires the skill and ability of his commander, or perhaps thinks something might have been done better—what must be his feelings, if he is obliged to add, "But I can never expect to command an army; all my thoughts are useless; I may be a colonel, perhaps a general, but a general on the staff, that I can never be! I go to my station, because I am a man of honour; but can I do it with the same eagerness as if, after I have escaped the danger, my reward was to be proportioned?" Does not such a consideration as this lay an extinguisher on military enterprise? Is it not desirable that every man should look, for the purpose of exciting his activity and zeal, to future rewards of the highest sort? But put it in another way. Is it not of importance that every man entrusted with the concerns of others should feel the necessity of gaining a great character for ability and integrity? It is not only satisfactory but necessary. But if you say, there is a ne plus ultra, beyond which you cannot go—you are to think only of filling your coffers, quocunque modo rem, how different must be the situation of him who feels he can never rise in his profession, though endued with the most splendid talents, compared with the man whose exertions are excited by the prospect of future honours! Do you think these men, the catholics, do not believe themselves to be a marked people, separated from the rest of the community, not on account of their religious opinons, but the political opinions connected with them? In all great concerns, the extent of the justice or injustice is of considerable importance. Who is it you are thus stigmatizing and degrading? Is it a few people of a particular way of thinking? No; it is three-fourths of the people of Ireland, and one-fourth of all his majesty's subjects in Europe. Would you think, that, under these circumstances, such a thing could be, so far as to the part that relates to the control of the king's prerogative? I ought, however, first to mention the exclusion from being sheriffs; but that is more connected with the jurisdiction I shall have to mention hereafter. Can any body suppose, that government would be likely to put improper persons into the office of sheriff in Ireland? Would they nominate catholic sheriffs, to raise disturbances? I say, it is one of the occasions in which it is least possible to suspect an abuse of the King's prerogative, and where it ought not to be controlled. Now with respect to parliament, the votes of the peers in parliament subsisted during the reigns of Elizabeth, James I. Charles I. and II. till somewhere about the period of 1698. I would ask the most zealous historian that took the side against the Stuarts, whether any mischief by the votes of the catholic peers did really occur? Here I quote Mr. Locke, who says—"and with respect to the votes of the catholic peers, I think, provided the test act is preserved, they are fit and beneficial." When did they cease? In 1698, upon the discovery of the popish plot, suppose it to be true or false, when the country was thrown into a paroxysm of terror, when it was believed that the catholics were going to massacre the protestants, when it was expected they were to have the assistance of the king of Spain, and when the ridiculous story of the silver bullets was set on foot. It was at such a moment of popular fury this measure passed. No man thought of expelling the catholics from parliament till the people had been put into a paroxysm of rage and terror. Why did they do this? Because there was nothing else to be done against them: it was for no other reason they passed that intolerable law, which put an end to their sitting in the house of commons.—You come now to that part of the case which does not affect to diminish the power of the king, but to control the rights of the people. You go to the electors of Ireland, and you say to them, you shall not elect a catholic. Upon what principle is it you conceive, that if a Roman catholic has a mischievous project in his head, it can be defeated by keeping him out of parliament? It has always been the objection to the test act, that two descriptions of protestants are in the house of commons. We know the dissenters do sit, and have become the most meritorious of any of its members. What is the objection to the catholics? That they cannot wish well to the church of England. Why, that is your argument against the dissenters. You do not deny the dissenters the privilege of sitting in parliament, though you say they do not approve the church establishment. But the practice is every thing. What would be the practical effect of the catholics having a seat in the house of commons? Does any man believe, that if there were a total repeal of these restrictive laws, there would be twenty catholic members returned from Ireland to this house? But I would take it according to the population of the country, and say, that there were four-fifths catholic. If, contrary to all the principles that govern elections, the mere population were the only thing to be considered, this would, perhaps, give about 80 members. Now the house consists of 658 members. Supposing it possible that 80 catholics were to be returned out of that number, though I do not think there would be more than twenty, could they be dangerous to the establishment of this country? If the doctrine of virtual representation be well founded, would it not add to the true virtual representation of this country, if three-fourths of the representatives were catholics? When people put the argument to extremes, and say, that this place is not represented, and that place is not represented, but that you have those in the house of commons who represent the whole community; that the trading and commercial interests, and the military, naval, and learned professions, are all duly represented; that you have the landed country gentlemen, statesmen and politicians, soldiers, sailors, merchants, lawyers—in fact, that you have a kind of virtual representation of all the people of the coutnry,—I deny it: you have not the representation of the Roman catholics—you want what you are afraid to have—you ought to desire what they pray for—you ought to have that complete virtual representation they offer you. I have been speaking for the public benefit—I now speak for the benefit of the catholics. You say to the people of Birmingham, Sheffield, and Manchester, it is true, you send no members to the house of commons, but you have members of parliament who are connected with the commerce and manufactures of those places. It is true; but still it is my wish to have a more direct representation. The fact is, the virtual representation is undoubtedly a vital principle in the constitution of the country. If any particular class of men are excluded, you have not a real virtual representation, in the sense the word representation ought to be understood, implying a sympathy and fellow feeling between the representative and the persons represented. The very substance of representation is, that the members of parliament should not be able to tax their constituents without taxing themselves. Now I say that there is no feeling of this kind with respect to the catholics. Upon the same principle you deprive the electors of Ireland from electing Roman catholics—you deny the corporations the right of choosing them, for they cannot be at the head of any corporation. I want to know upon what principle it is that corporations are to be denied the privilege of appointing catholics to the office of mayor, or other superior offices? Corporations being composed chiefly of protestants, there is not much danger, as some would say, or not much hope, as others would say, of the catholics being admitted. Is not this one of those additional instances in which you keep the stigma without any practical advantages? You fix an unnecessary stigma on the catholics; and an unnecessary stigma is, of all modes of punishment, that which is most grating to the people, and destructive of the unanimity and concord necessary for the safety of the state. I shall say a very few words as to certain objections to the matter of this petition. I think the objections to the jacobites are given up; but it is said, that there is something in the nature of the Roman catholics that makes it dangerous to grant them the same privileges as protestants. Some have stated, that there is a general impropriety and incongruity in persons of different religious principles acting together. I should like to know the theory on which this argument rests. I am speaking now of religious differences;—why two men sitting in council together should, instead of inquiring how the forces of the country ought to be disposed of, and where the fleets ought to be sent, whether to Jamaica or any other part of the West Indies, fall to a discussion about transubstantiation, and dispute because one adores the Virgin Mary and the other adores the saints? Is it to be supposed that justices on the bench, when they try criminal or civil points, will quit their duty, in order to commence idle controversies on religious points? There are countries where the law and religion are one and the same thing; where consequently, there would be an impropriety in separating them: but I want to know, upon what principle it is that men may not act together, who entertain strong differences on religious creeds. This stands upon theory only, for the practice is against it. Is there in Europe one state or country that does not employ persons of different religious persuasions in the highest offices? In former times even this was the practice, when there was more heat and animosity. When bigotry was at its height in France, when it led Henry the Fourth to renounce the protestant and embrace the catholic religion, in order to obtain the throne of that kingdom, did it ever occur to any one to suggest, that the Duke de Sully, his minister, who was a protestant, could not advise with him about public affairs? Was he ever accused of being a bad minister, because he was a protestant? No one ever objected to M. Neckar, the minister of the late king of France, because he was a protestant. Does not the emperor of Germany employ protestants in the various important affairs of his dominions? The government of Vienna is intrusted to prince Ferdinand of Wirtemberg, a protestant. It is true, the bigotry of Frederick the Great could not induce him to employ protestants as his ministers or officers; but perhaps it was because he could not find any that were fit for his service. What is the case with Russia? The first employment in the service of the emperor of Russia is filled by prince Sartoriski, whose religion is that of the Greek church. With regard to the Swiss cantons, the employment of protestants has been, perhaps, less than in other places, but they have frequently filled offices of government jointly with the catholics. In the democratic canton of Uri, and some others, the catholics were more numerous; a proof that they may take an active part in the administration of a popular government, without any evil consequences resulting from the opinions they profess. In the canton of Appenzel the catholics and protestants are half and half.—The pretender being gone, and all other questions of radical difficulty removed as to him, we now come to another person—the pope. I wish to know whether, during the last 200 years, the pope has been a person to be feared? If he has, it can only have been in one way, by his oppression of the catholics. Long before the period of the revolution, all the political influence of the pope, with respect to this country, had ceased. His power became afterwards absolutely insignificant; and during the whole of the question between the houses of Stuart and Brunswick, it was notorious that the pope could not stir one Roman catholic in Ireland. But it is stated that the persons principally concerned in the rebellion of 1798 were Roman catholics. I have no doubt that the catholics had their share in that rebellion; but were they instigated by the pope? What! by the pope, while he was in a state of servitude and humiliation? Did the pope, while he looked to this country as almost his only support, wish to overturn our government, and prevail on the Irish catholics to follow Messrs. O'Connor, Emmett, and M'Nevin? This fear of the influence of the pope, when he has no power to do us harm, and when he cannot do us good, even though he wished it, is perfectly absurd. It is an alarm which can be accounted for on no rational principle. Has the recollection of the proconsuls, sent by the Cæsars to govern this country, left such an impression upon us, as to make us dread every thing that comes from Rome? But it is said, Buonaparté has obtained an influence over the pope, the pope governs the Irish priests, and thus Buonaparté will be able to attach to him the catholics of Ireland. Without canvassing the question of the inclination of the pope to serve the views of Buonaparté, I shall admit that the French government will willingly employ his influence so far as they can obtain it. That the great enemy of this country would be very willing to make use of such an engine to serve his purposes in Ireland, I have no doubt. But how will he use his influence? If you will repeal these laws, you will have nothing to fear from that quarter; but if, on the contrary, you persevere in your restrictions, the way in which the influence so much dreaded may be exercised can only be this: The Irish catholics will be told, 'An equal participation of rights was held out to you; but, instead of granting your just claims, instead of affording you the relief and protection you were promised, you are still stigmatized as outcasts. You have, therefore, now only to look to a catholic emperor for assistance, and through him you may expect the emancipation which has been denied you.' This is the language which may be used if you are determined to persist in your present system; but, in the other alternative, what influence can the pope have? Suppose he were to direct the priests to take care that none but Roman catholic members were chosen for Ireland; and suppose this influence were so far to succeed as to bring a considerable proportion of Roman catholics into this house among the representatives from Ireland, is it likely that Buonaparté would find many friends among these Roman catholic members? If there were eighty members Roman catholics, it would be an extravagant supposition indeed to say that even three of them would be so dead to all sense of honour and duty, so blind to the interests and happiness of their country, as to become the instruments of Buonaparté. Of the influence to be used in this way by the pope, surely no reasonable person can entertain any serious apprehension. Is it possible to look forward to any future circumstances under which that influence can become dangerous? Great men, it is said, have long views; but some views are so long, that my sight, I must confess, cannot reach them. It has been said of our system of government, esto perpetua; but I should desire no better security for the power and the constitution of this country lasting for ever, than that they should continue until either a pope or a Buonaparté could obtain a majority in this house.—I must now turn to another view of the question. It has always been maintained that the differences between the Roman catholics and the protestants are not merely religious, but political. It is on this ground the oaths the former are required to take are defended. The oath is framed against the authority of a foreign priest, though that authority is merely spiritual. But if it be any objection to the Roman catholics, that they deny the king's supremacy, what do you say to the opinions of the people of Scotland? The presbyterian religion, which is established in Scotland, does not admit the king to be the head of the church; and surely the presbyterian doctrine and discipline of it are at least as repugnant to the established religion of this country, as the opinions of the Roman catholics are! Yet Scotland, with this presbyterian church, forms a part of the united kingdom. But do not the Roman catholics swear, that no temporal consequences whatever follow from the doctrine they hold on the question of supremacy? They do swear, and yet it is said we cannot believe them. What! are they not to be believed on oath, because they are Roman catholics? To make such a declaration, is to display to my mind either great malignancy of heart, or an extraordinary deficiency of understanding: but if the declaration were made on the part of the government of this country, it would be an avowal of wickedness beyond any thing I can conceive. Would you say, that you proposed and passed acts of parliament to persuade them to swear that which you would not believe when sworn? Would you own that you wished to seduce them into perjury? The moment you find that a man attends mass, he is therefore a Roman catholic, and therefore no longer to be believed. To add to the absurdity, you frame another oath, to keep out of parliament those very persons of whom it is said you must not believe that which they swear. This is really at once insulting to the understanding and the feelings of mankind. It is more than a generous and ingenuous mind can be expected patiently to bear.—I shall not pretend to enter into controversial arguments on the question of doctrine. Indeed, that is a subject respecting which I own I have neither sufficient learning nor patience to fit me for the discussion; but if I had as much of both as the lord chancellor of Ireland, I am sure his example would deter me from undertaking so arduous a task. When I consider the state of religion in Europe, of which perhaps three-fourths of the inhabitants are Roman catholics, I am astonished that such opinions respecting that religion can be maintained. Is it possible that any man can be found bold enough to say of three-fourths of the inhabitants of civilized Europe, that they are not to be believed upon oath? Such an assertion implies, that Roman catholic nations are not only incapable of the relations of peace and amity, but unfit for any of the relations of society whatever. The existence of any such maxim supposes gross ignorance and barbarism in the people among whom it prevails. Every enlightened mind, every man who wishes well to his country, must treat it with scorn and indignation. When a bill was some time ago introduced respecting the army, I objected to the oaths it contained, on the ground that it was not fit to ask any man to take them; but it will be extraordinary indeed, if those who insisted upon prescribing these oaths should now turn round, and declare, that they will not believe them when taken. When the petition I had the honour to bring into this house was first read, the clear and temperate statement of the case which it contains appeared to make a deep impression. I think I could see gentlemen say to themselves, this is not the way I used to think of the Roman catholics. No, certainly not. It is not the way in which many used to think, because they had received false impressions from persons who perhaps had an interest in misleading their judgment. But it has since been whispered, that the language of the petition signifies nothing, because it is subscribed only by laymen. I can assure the house, however, that there is no ground of any suspicion on this account. The reason why there are no names of priests in the petition is, because it relates only to civil rights; on this account only, clerical persons thought it would be improper in them to subscribe it. The oath, however, has been taken by all the archbishops, bishops, and most of the priests of Ireland; and if it be thought necessary that it should be taken over again, it will be taken. I, however, have always regarded the administration of the oath as improper, and I recollect having some difference of opinion with a late noble friend of mine on this subject, I mean lord Petre, from whom, had he sat in the house of lords, the established religion of this country would have had nothing to fear, for he would have only obtained more frequent opportunities of displaying his sincere attachment to the constitution. His lordship defended the oath, because it afforded the Roman catholics an opportunity of publicly contradicting the calumnies reported against them. I said, that that might be an object with him, but it was none with me, and that I did not wish such a law to remain on our statute-book. Having stated that I entirely disapprove of this oath, I must, however, inform the house, that I have at this moment, in my pocket, a letter from several of the archbishops and bishops, declaring that they have taken and signed the oath. They also declare, that it contains nothing contrary to the doctrines or faith of the Roman catholic religion, and that it is to be taken equally by the clergy and the laity; but foreseeing that the fact of the oath being taken might be questioned, certificates have been sent from the courts before which it was administered. It is in these courts, therefore, a matter of record, and the authority of the fact is completed. It is said, that since the Roman catholics have already got so much, they ought not to ask for more. My principle, however, is directly the reverse. It is natural that men in a state of servitude should wish to recover their rights; that they should desire to assimilate their rights with those of their fellow-citizens, in order that they may acquire a greater degree of similarity with them. It is their ambition to be no longer slaves, but to become men. They ask this; and until they obtain all they want, they have comparatively gained nothing. It would be to shut your eyes to all the evidence of history, to suppose that you could impose upon men an obligation not to look forward to the complete acquirement of their rights; from the moment they began to enjoy any of them, they must aspire to be on a parity with the rest of their fellow-citizens The better argument is, that having already conceded so much, what remains is nothing to you to give. Nothing can be more absurd than the conduct which is adopted towards the Roman catholics. You admit the lower orders into the army and navy, and you prevent the higher from rising to that rank they might expect to attain. You put arms into the hands of men, who, if the French were to land, might be, from their want of knowledge, influenced to do you mischief; and yet you will not trust lord Fingal, or his brother, with a command. You rely, however, it appears, with confidence, on the loyalty of the ignorant and the prejudiced, and you intrust them with arms. Of which class of Roman catholics are you afraid; the higher, or the lower? You do not trust those whose property gives them an interest in the country, and whose superior knowledge and information teach them to prefer the government of their country to every other; but you rely on the ignorant and uninformed. You place in the hands of the latter the means of insurrection, and you take from the former the power they would have, by their influence, to repress commotions. But though you have little to give, what they have to ask is to them immense. You have left them much power to do you mischief, and have afforded them little means of doing you good. Though they require only qualification, coporation, parliament, and offices under government, the object is of great magnitude to them. It is founded on the great principle of requiring to be placed on a footing of equality with their fellow-subjects. Equality of rights is one of the principles which is dearest to the human heart, and it is one which the laws of Great-Britain, to their immortal honour, sanction. In whatever country that principle prevails, it produces the greatest of blessings. That country is truly happy, where, in the language of a great modern poet,

> "Though poor the peasant's hut, his feasts
> though small,
> "He sees his little lot the lot of all;

"Sees no contiguous palace rear its head,
"To shame the meanness of his humble shed"

If a people are placed in a state of humility and degradation, can it be said, that to get out of that situation is to them nothing? But the confusion which prevails on this occasion has arisen from mixing politics and religion, two things which it has always been the wish of the wisest philosophers and statesmen to keep distinct and separate. It is with great concern I have heard, that some eminent members of the established church are hostile to the proposition I have to make; but I have some consolation in reflecting, that I have with me a person who enjoys as high a reputation as any member of the church, and for whose character I have the highest veneration and respect—I mean, Dr. Paley. He observes, "it has indeed been asserted, that discordancy of religions, even supposing each religion to be free from any errors that affect the safety or the conduct of government, is enough to render men unfit to act together in public stations. But upon what argument, or upon what experience, is this assertion founded? I perceive no reason why men of different religious persuasions may not sit upon the same bench, deliberate in the same council, or fight in the same ranks, as well as men of various or opposite opinions upon any controverted topic of natural philosophy, history, or ethics." Dr. Paley considers restraints only justifiable on account of political opinions, which may affect the safety of government. In endeavouring to state the case of exclusion, he says—"After all, it may be asked, why should not the legislator direct his test against the political principles themselves, which he wishes to exclude, rather than encounter them through the medium of religious tenets, the only crime and the only danger of which consist in their presumed alliance with the former? Why, for example, should a man be required to renounce transubstantiation before he be admitted to an office in the state, when it might seem to be sufficient that he abjure the pretender? There are but two answers that can be given to the objection which this question contains: first, that it is not opinions which the laws fear so much as inclinations, and that political inclinations are not so easily detected by the affirmation or denial of any abstract proposition in politics, as by the discovery of the religious creed with which they are wont to be united: secondly, that when men renounce their religion they commonly quit all connexion with the members of the church which they have left, that church no longer expecting assistance or friendship from them; whereas particular persons might insinuate themselves into offices of trust and authority, by subscribing political assertions, and yet retain their predilection for the interests of the religious sect to which they continued to belong. By which means government would sometimes find, though it could not accuse the individual, whom it had received into its service, of disaffection to the civil establishment, yet that, through him, it had communicated the aid and influence of a powerful station to a party who were hostile to the constitution. These answers, however, we propose rather than defend. The measure certainly cannot be defended at all, except where the suspected union between certain obnoxious principles in politics, and certain tenets in religion, is nearly universal; in which case it makes little difference to the subscriber whether the test be religious or political: and the state is somewhat better secured by the one than the other." I shall only take up the time of the house a few moments in reading another passage, in which it is clearly stated, that restrictions should not be continued after the circumstances in which they have originated have ceased. "Thus, if the members of the Romish church for the most part adhere to the interests, or maintain the right, of a foreign pretender to the crown of these kingdoms, and if there be no way of distinguishing those who do from those who do not retain such dangerous prejudices, government is well warranted in fencing out the whole sect from situations of trust and power. But even in this example it is not to popery that the laws object, but to popery as the mark of jacobitism; an equivocal, indeed, and fallacious mark, but the best, and perhaps the only one that can be devised. But then it should be remembered, that as the connexion between popery and jacobitism, which is the sole cause of suspicion, and the sole justification of those severe and jealous laws which have been enacted against the professors of that religion, was accidental in its origin, so probably it will be temporary in its duration; and that these restrictions ought not to continue one day longer than some visible danger renders them necessary to the preservation of public tranquillity." Whatever then may be the opinions of certain members of the establishment, I am happy to have the opportunity of quoting one authority, which all who love profound learning, exalted virtue, and sound morals, must respect.—With regard to the time when these restrictions ought to have been removed, if there could be one time more proper than another, it was when the union was carried. To that measure I certainly was hostile, and I have seen nothing since which could induce me to alter my opinion; but whether that opinion be right or wrong, is nothing to my present argument. The period at which the introduction of this measure would have been most proper, doubtless, was the moment when the expectations of the Roman catholics were raised, when hopes were held out to them, or when they themselves at least conceived that the hour of their emancipation was arrived, and that they were to be placed on an equal footing with their fellow citizens. It has been said, however, that on this subject an argument may be drawn from practice which is sufficient to silence all reasoning. No one is a greater friend to the opposition of practice to theory than I am, when that opposition is justly applied. In the present case it is observed, that when the severe laws existed against the Roman catholics in Ireland, all was tranquillity, even during the rebellions of the years 1715 and 1745; but that, after the concessions had been granted, the rebellion of 1798 broke out, in which the Roman catholics joined for the purpose of subverting the monarchy and the constitution. If this argument were true, it would go only to this; that restrictions are good for keeping mankind in a state of tranquillity; and, therefore, you ought never to release them from severe laws, never restore them to their rights. This argument goes against every principle of liberty, and is only calculated to support the cruellest tyranny and most degrading slavery. Its present object is to deprive of their rights one-fourth of his majesty's subjects, and to place them in a state which must greatly embarrass the power and resources of the empire. Surely if there be a malady in our situation, this is it. But were there no circumstances besides the concessions, which rendered the situation of the Irish catholics very different in the year 1798 from what that situation was in the reign of George II? Is it supposed that the operation of the French revolution had no influence on their minds, as well as on the minds of men in other parts of Europe? The circumstances of that revolution may fairly be allowed to have tended to make them swerve from their allegiance, not as catholics, but as subjects. Is there not also some allowance to be made for the connexion formed between the Roman catholics and the protestants of the north of Ireland, a people of enlightened minds, powerful from their talents and their industry? But the people of that part of Ireland, who are well known not to be much attached to the established church, considered the catholics to be like themselves, persecuted. The year 1798 opened new views, and to the union which was then formed between the protestants and the catholics ought the activity of the latter in the rebellion to be in some degree ascribed. There is also another little circumstance which ought not to be passed over, when it is attempted to be argued that nothing intervened between the concessions in the year 1793 and the rebellion. Did nothing happen during Lord Fitzwilliam's administration? Did that noble lord not conceive that he was acting the best for the peace of Ireland, by holding out to the catholics the hope of what they called their emancipation? Doubts have been entertained whether he was authorised by government to encourage such hopes: but that has nothing to do with the present question; that the expectation did exist, is a fact of the greatest importance. When that noble lord was recalled, when a motion was made on the subject in parliament, and negatived, the Roman catholics saw with grief the cup they had looked at with so much eagerness, suddenly dashed from their lips, at the moment they at last expected to enjoy it. Would not any man say, that if he were a catholic, this would have been to him a great cause of despondency? The history of the country showed the melancholy consequences of that disappointment; for it was not until after the recall of Lord Fitzwilliam, that a connexion began to be formed between Ireland and France: and there is every appearance that the disappointment then experienced by the Roman catholics, drove some of them into this connexion. We have been told, that it appears from certain inquiries made by the Irish parliament, that catholic emancipation and reform were not considered by the people in some parts of Ireland as of more value than a bit of paper or a drop of ink. I believe this may be the fact; but was it not also stated by the same persons, that, had these measures been granted, they were aware that they must have given up all hope of doing what they call good, but which we call mischief? All those who wished to revolutionize Ireland were greatly alarmed during Lord Fitzwilliam's administration, and were perfectly convinced, that, if the measures to be proposed were carried, their intentions would be completely defeated. I have been told, that at the time of the union no distinct promise of redress was made to the Roman catholics, and I believe it. No minister could promise that which depended upon the determination of parliament. The right hon. gent. opposite to me could have done nothing more than promise to recommend their claims: but did not the catholics believe that through the measure of the union they would obtain complete redress? Did they not rely on the promised support of the right hon. gent.? It was on that ground they gave all their weight to the proposition of the union; and I know some who have felt less kindness to the catholics on that account. The persuasion was certainly general, that the catholic claims would be fully granted after the union, and a learned gentleman (Dr. Duigenan) now hostile to these claims appears to have promoted this persuasion. In a letter written by that learned gent. to an hon. friend of mine, whom I am happy to see a member of this house (Mr. Grattan), there is a paragraph to this purport; "if we were one people with the British nation, the preponderance of the protestant interest in the whole state would then be so great, that it would not be any longer necessary to curb the Roman catholics by any restraints whatever." Now when the Roman catholics found the opinion stated by the learned gent., who had been through the whole of his life against granting them redress, must they not have expected that the passing of the union was to be the signal for the redress of their grievances? In a printed speech, too, (printed in a way which might entitle it to be referred to as some authority) of a noble lord who once filled the chair of this house (lord Sidmouth), this passage of the learned gent.'s letter is referred to in support of the opinion, that no restraints would be necessary after the union. If, then, that noble lord drew this inference, what conclusion was it to be expected the Roman catholics themselves should form? At that time, then, it appeared to be thought that the repeal of these laws would be a measure of safety to the British empire; and yet they remain in the same situation. I state not this as any reproach to the right hon. gent. opposite to me; but what must the catholics think, when they find that those who most favoured the union, and who, on account of the measures then in contemplation, held up that event as eminently calculated to promote the well-being and security of the British empire, opposed their hopes? What the circumstances were, which prevented this question being then brought forward, I shall not attempt to discuss, because I do not pretend to know them; but I must observe, that its delay might have led to the very worst consequences. The catholics, however, have shown by their conduct that they are guided by principles which merit the highest encomium. Their disappointment has not made them resort to popular clamour or tumult. They have brought forward their claims in the most constitutional manner, and they rely with confidence and respect on the justice of this house. The presenting of the present petition is a pledge of the propriety of their conduct; and though my motion should not this night be acceded to, they will still have gained something, by having an opportunity afforded them of stating their opinions. A great and respectable part of the people of the empire are now in favour of their claims. The people of England will soon be completely convinced of the propriety of granting them all they demand; and antiquated prejudices, which it is my lot to expose in 1805, and which were doubtful in 1669, will be completely done away.—Hitherto I have said nothing of a kind of mysterious objection which has been lately started. I have been asked—"Why do you bring on this question when success is impossible?" Another tells me, "I like the measure as well as you; but why press it when there is no chance of success?" Why, I know of no circumstance that should render it impossible to carry this question in this house; and there would at least be a little better chance of success, if all those gentlemen who are in favour of the measure would favour us with their votes. I have been told that the repeal of these laws is conceived to be contrary to his majesty's coronation oath. Now, sir, were I to propose any thing which would be a violation of his majesty's coronation oath, I should not only think myself a disloyal subject, but a dishonest man. But how absurd would it be to suppose that parliament, who made that oath for the king to take, should understand it to bind him to refuse his assent to future acts which they might present to him! The oath, as framed by parliament, was administered to king William; and statutes now proposed to be repealed were passed after he had taken the oath. Now, if it could be maintained that the oath has any reference at all to legislative measures, still I would ask, how can it affect acts passed after it was framed? Such a doctrine appears to me calculated to produce the greatest confusion, and completely to overturn the constitution. If it were true, the government of this country would no longer be a mixed monarchy, but we should be in a mixed state of anarchy and confusion. But it is supposed that the coronation oath would be violated, because the effect of the measure now proposed would, it is said, be to overturn the church establishment of this country. These laws were, however, made against dissenters of all descriptions; and yet the church was not overturned by our union with the presbyterians of Scotland. Was the coronation oath made to bend in the one case, and not in the other? According to this new doctrine, Queen Anne must have broken her coronation oath when she consented to the union with Scotland, and his present majesty must already have violated his coronation oath more than once, when he sanctioned the acts passed in his reign for the relief of the Roman catholics. His majesty did not refuse his assent to these acts; on the contrary, he did what I am sure he always will do; he followed the advice of parliament, exercising at the same time his own judgment. While I glory in the name of an Englishman, I never can say that any thing which parliament thinks fit to be done cannot be done. If it had been the practice that nothing was to be moved in this house, but such questions as gentlemen had a reasonable hope of carrying, the country would have been deprived of most of the laws which now constitute its greatest pride and boast; for the best measures have in general been at first strongly resisted, and have at last been rendered ultimately successful by the perseverance of those who introduced them, and the good sense of parliament. But I never can believe that any branch of our constitution will forget its duty; and I am sorry that the report of an opinion having been given on this subject, should be circulated—said to be given, too, by one who has a legislative voice, but who has no right to pronounce any opinion on matters pending in this house. His majesty's lawful authority is one of the corner stones of the constitution; but while I shall always exert myself to support that lawful authority, I cannot be silent when I see interested persons endeavouring to extend that influence beyond its due bounds. It would be a great and incalculable evil, were it to be established as a maxim in this house, that no person must move any measure, however great its benefits might be, if it were once whispered about, that it could not be successful, because another branch of the constitution was hostile to it. I could wish to see any sacrifice made for the gratification of the crown, except the sacrifice of the welfare and security of the country. The man who countenances such a sacrifice is not a loyal subject; is not one who loves his king, but one who flatters him in order to betray him.—Having now troubled the house at so much length, I shall only briefly state a few of the minor points which the subject presents. There may be some persons who would not wish to repeal the whole of the restraints upon the Roman catholics, but who would wish to do away a part: I should therefore expect, that all who view the question in this way will concur with me in voting to refer the petition to a committee, in order to discover what part of the laws it may be fit to repeal. Among these minor points will also fall to be considered the situation of the army. A catholic may serve in the king's army in Ireland; he may arrive to the rank of a general, but not a general on the staff! If, however, he comes to England, he is liable to pains and penalties on account of his religion. Surely those who would resist the question in the whole, must at least allow that this is a case in which some relief ought to be given. I am also assured that the common soldiers are restrained from the exercise of their religion sometimes in Ireland; but almost always in England. Some alteration is also necessary in the law of marriage. I mention these circumstances as forming parts of the question which ought to induce such persons as think them worthy of redress, to go into a committee, whatever their objections to the general question may be. I have stated, that the disabilities under which the catholics suffer are of two sorts; namely, those which consist of restrictions on the king's prerogative, and those which restrain the choice of the people. I think that Roman catholics ought, like all the other subjects of his majesty, to be enabled to hold places under the crown, and to sit in parliament; but I understand there are some who would consent to a proposition for rendering them accessible to offices, but who would not agree to give them seats in parliament. Those who entertain this opinion, surely cannot refuse to go into the committee. I understand there are others who, on the contrary, think it advisable that Roman catholics should be excluded from offices in the executive part of government; but that, on the ground of virtual representation, which I have stated, they ought to be admitted to seats in the house of commons. I own that I think this opinion the most rational of the two; and surely those who entertain it cannot object to the motion I am about to make.—I have now stated most of the general grounds on which I think the repeal of the laws complained of is advisable; and I shall now very briefly mention a few of the advantages which may be expected to result from such a measure. A great proportion of the last and of the present session has been consumed in considering of the best means of recruiting the army, and of increasing our local and disposable force. Now, without disparaging the modes recommended by my right hon. friend (Mr. Windham) on this bench, or the right hon. gent. opposite, for attaining this desirable object, I will venture to say, that no scheme whatever of parish recruiting, limited service, or militia volunteering, can equal the effect of this measure. All these schemes are tardy and trifling, compared to the prompt and large supply which would be afforded by Ireland, were the laws against the Roman catholics repealed. You now receive into your army Irish Roman catholics; but what might not be expected from the zeal and gratitude of a nation famed for warmth of temper and generosity, fondly exulting in a triumph obtained over illiberality and prejudice? All your other supplies would be little rivulets, compared to this great ocean of military resource. But you are not merely to consider the number, but also the nature of the circumstances under which you would obtain the recruits. Look at the situation of France, our formidable enemy; is she formidable for her finances, her naval power, her commerce, or any other resource except her population? It is from the disproportion of our population to hers, that we can have any thing to apprehend. We are weak only in our population. Why then do we hesitate to adopt a measure which would afford us so powerful a reinforcement? In this age foreign conquests have been less valued than they were in former times; but if conquests deserved to be ever so much esteemed, what conquest ever could equal either the true glory or solid advantage of re-acquiring one-fourth of your population? What prospect can be more consolatory than that of thus adding to your strength that which cannot now be called a part of your strength, but may rather be named a part of your weakness? The protestant ascendancy has been compared to a garrison in Ireland. It is not in our power to add to the strength of this garrison, but I would convert the besiegers themselves into the garrison. How can you suppose that these four millions of men should feel themselves in the situation of the other twelve millions, which form the population of the British empire? They know that they furnish you with recruits, from whom you may with reluctance choose serjeants: they send you officers, but they know they can never rise to the rank of generals. They supply you with sailors, who never can advance to any eminence in their profession. How different would our policy be, how different our situation in a military point of view, were the means I propose adopted! There would be no differences, no discontents; but all the subjects of the empire, enjoying equal rights, would join with one heart and one mind in its defence. I am sanguine in believing, that these equal rights and laws will be granted to the Roman catholics. I am even sanguine enough to believe, that many bad consequences which might be expected to result from a refusal of them, will not follow the rejection of this petition. I rely on the affection and loyalty of the Roman catholics of Ireland; but I would not press them too far, I would not draw the cord too tight. It is surely too much to expect that they will always fight for a constitution in the benefits of which they are not permitted to participate. No permanent advantage can arise from any measure, except that which shall restore them to the full enjoyment of equal rights with their fellow citizens. In the present situation of Europe, and when the designs of the enemy are considered, Ireland is a place where the active exertions of this country may be required; and this is one of the grounds on which I am anxious that the motion I am about to propose should be acceded to. Whatever be the fate of the question, I am happy in having had this opportunity of bringing it under the consideration of the house; and I shall detain you no longer, but to move, "that the petition be referred to the consideration of a committee of the whole house."

Doctor *Duigenan* then rose, and spoke as follows: Sir; I have read the petition now before the house, and list of names subscribed to it; they amount in the whole to ninety-one persons: of these, six are peers, three are baronets, the rest untitled commoners. Of the six peers, one is an English as well as an Irish peer, who has no property in Ireland, and is an Englishman both by birth and residence. The petition is thus entitled: "A petition of the Roman catholics of Ireland, whose names are thereunto subscribed, in behalf of themselves and of others his majesty's subjects professing the Roman catholic religion." With what propriety this English peer can be styled a Roman catholic of Ireland I shall not take upon me to determine. Of the remaining five peers three may be said to have been created during his present majesty's reign. Lord Kenmare claimed a peerage under a patent of King James II. dated after the abdication of that unfortunate prince, at a time when he was no longer a king, and could not create nobility: his present majesty has been pleased to create him a peer: the ancestors of two others, the Lords Fingall and Gormanstown, were attainted for high treason and outlawries; which attainders continued for four generations. His present majesty was graciously pleased to direct his attorney general in Ireland to confess error in these outlawries, on which confession the outlawries have been reversed, and these noblemen have been restored to the rank of their ancestors. Lord Southwell's ancestors were protestants; his father some time since went to France, and there became a Roman catholic, and educated his son in that profession. Thus it appears, that the whole Roman Catholic nobility of Ireland, a few years back, did not exceed one or two at the most. I speak not this out of any disrespect to the noble personages thus mentioned, but to shew what little cause of complaint there is for the alleged degradation of the Roman catholic nobility of Ireland. Of the three baronets subscribed to the petition two have been created by his present majesty. Ireland is divided into thirty-two counties: out of nineteen of these counties there is not one subscriber, and out of four of the remaining thirteen counties there is but one each. There is not the name of one Romish ecclesiastic subscribed to this petition. How then does it appear that these petitioners are commissioned by the Roman catholics of Ireland, or those of England and Scotland, to petition on their behalf, or to express their political or moral principles? It is much to be suspected that they are self-commissioned, as well by what is already observed, as by the following circumstance: five of the subscribers have set themselves forth as delegated by the rest to procure the presentment of this petition to the two houses of parliament, and solicit its success: of these, one is Mr. Denys Scully, barrister at law, a gentleman with whose person I am totally unacquainted, but not so with his writings. He published in the year 1803, a pamphlet in Dublin, entitled, "An Irish Catholic's Advice to his Brethren how to estimate their present Situation, and repel French Invasion, civil Wars, and Slavery." This pamphlet advises the Irish romanists, in the event of an invasion by the French, rather to join the King's standard than that of Bonaparte, solely on the ground of such conduct being more for their advantage, and not at all on the ground of their allegiance due to their sovereign: and notwithstanding the specious title of the work, the whole tenour of it is, in my opinion, by the suggestions of ideal grievances, in the most horrid forms, to excite the Romish populace to the most furious acts of insurrection and revenge against their governors; so that the advice to resist Bonaparte seems to be merely an artifice to protect the author from the legal punishment due to so malignant, vindictive, and atrocious an attack on the conduct of the protestant government of Ireland for two centuries past. The pamphlet overflows with gall: it will be sufficient to read a passage or two out of it to give the house a just idea of its real purpose and tendency: "It is one hundred and twelve years since the capitulation of Limerick to William III: it was the last place in Ireland or England that surrendered to him; and never was any place more gallantly and obstinately defended than Limerick had been by our loyal ancestors, who with Sarsfield at their head fought for their hereditary King James against a Dutch invader and his hired battalions."—Page 12, Dublin edition.—Writing of the gallant army which went to Ireland to punish the Irish rebels and murderers of 1641, he has the following passage: "You see what misery that army caused her: their tailors, tinkers, smiths, coblers, drummers, and trumpeters, after the slaughter of one hundred thousand persons, obtained various estates and lands amongst us." It is to be remarked, that the superior officers of this gallant army thus reviled by Mr. Scully, were the chief instruments in restoring Ireland to the monarchy of England, and that their descendants at this day compose a most considerable part of the Irish nobility and gentry.—In another place Mr. Scully calls the Irish parliament a club, and the place of their meeting their club-house. In another place he gives the following character of the person he styles the first magistrate: "That he may be liable, like the master of a family, to fits of anger and caprice, and prejudice; that he may naturally be at times obstinate, ill-humoured, improvident, or even infatuated upon some particular subjects." And adverting to the coronation oath, and to his majesty's scruples on the score of that oath, respecting the demands made by the Irish romanists, he undertakes to apologize for his majesty, and to express his hope that the king will change the opinion which it is generally understood he has entertained. "It is not," says he, "to be imagined that a quibbling crotchet in an oath will circumscribe the justice of the beneficent father of his people."—Can it therefore be imagined that Mr. Scully is a person specially commissioned by the Roman catholics of Ireland to solicit the success of a petition to the representative body of the nation, claiming a right to be put upon an equal footing, in respect to political privileges, with all other his majesty's subjects, and demanding such boon on the score of their alleged loyalty and attachment to the state?—The petition contains a long state of what the petitioners allege to be their political, moral, and religious principles, and openly asserts that such principles are not only conformable to their opinions and habits, but are expressly inculcated by the religion they profess; yet this petition is not subscribed even by one ecclesiastic of that profession. I shall state to this house what I conceive to be the reason that the Romish ecclesiastics have declined to subscribe it. There are two oaths prescribed by the Irish statutes to be administered to romanists; one, by an act of the Irish parliament in the year 1773; the other, by an act of the Irish parliament of the year 1793. Such romanists as decline to take the oath of the year 1773, which is nearly the same with the oath prescribed to be administered to the English romanist by the English act of the year 1791, are not entitled to the benefit of the several Irish laws repealing what is styled the popery code in Ireland; it is therefore incumbent on all Irish romanists to take the oath of 1773, to entitle themselves to the benefit of such repeal: but they are not under an equal necessity of taking the oath of 1793; for it is merely a qualification-oath, which, if they obtain places under government, or tender their votes at elections for members of parliament, the law requires they should take, but not otherwise.—The oath of 1773 is an oath of allegiance to the king; it contains an engagement to disclose all traitorous conspiracies; abjures the pretender, and the doctrine that no faith is to be kept with heretics, and that princes excommunicated by the pope may be deposed or murdered by their subjects; renounces the temporal jurisdiction of the pope, and declares that it is taken without equivocation, in the ordinary sense of the words.—The oath of 1793 goes much further, and renounces the infallibility of the pope; the power of the priest to give absolution unconditionally; the intention of subverting the present church establishment, and substituting a Romish establishment in its stead; of overturning the present arrangement of property in Ireland, and of using the power and privileges demanded by the romanists to weaken the protestant religion and protestant government in Ireland; and, so far as it relates merely to religious principles, is the same oath which was drawn up and prepared by a committee of English romanists in the year 1790, to be offered to the then English ministry as a proper oath to be tendered to all English romanists; and the taking thereof to be sanctioned by an act of parliament. This oath three out of the four apostolic vicars, the special agents and emissaries of the pope in England, reprobated and anathematized by an encyclical letter, dated London, Jan. 12, 1791, and commanded all the English romanists to reject this oath, and stated in their letter that they thus acted with the approbation of the apostolic see, and of all the romish bishops in Scotland and in Ireland. These apostolic vicars had so much influence with the English ministry in 1791, that they prevailed upon them to omit from the oath by statute prescribed to be taken by the English romanists, the abjuration of the pope's infallibility, and of the doctrine of unconditional power of absolution in the priest. It is also to be remarked, that all the professors and members of the college of Manooth in Ireland are by an Irish statute exempted from the obligation of taking the oath of 1793. This is a college founded by government for the education of Romish priests.—From what I have mentioned, I conceive that the petition's containing a declaration against the pope's infallibility, and the doctrine of unconditional power of absolution in the romish priesthood, is the reason why no romish ecclesiastic has subscribed it.—The petition prays that all statutes now in force against romanists (that is, all statutes requiring them to take tests as qualifications for offices and seats in parliament) may be repealed, and they may be restored to the full enjoyment of the benefits of the British constitution, equally and in common with their fellow-subjects throughout the British empire:—this they claim as matter of justice and public utility. It is very remarkable, that this measure thus demanded upon the grounds of justice and public utility, is the very measure which King James II. attempted to force upon the nation, and for which attempt he forfeited the crown handed down to him by a long and illustrious line of ancestors; and that the reasons given by him for his attempt are the very same reasons pleaded by the petitioners and their advocates for the justice of their demand; to wit, "that it would cause and promote a brotherhood of affections and a conciliation of religious differences;"—"to render the nation happy at home, and formidable to foreign nations."—See his declaration for general liberty of conscience, the letter left upon his table previous to his flight to France, and his speech to his pretended popish parliament in Ireland after his abdication. If his attempt was just, and the measure for the public benefit, it follows that he was unjustly dethroned; and the direct consequence of that is, that his present majesty's title to the throne is an unjust one. Let this house determine whether such doctrine is or is not consistent with loyalty.—I shall oppose the motion for submitting the consideration of this petition to a committee; and in doing so, I shall enter fully into a discussion of the broad and general question before the house, whether the prayer of this petition should be granted or rejected; as I think it is a question of the greatest magnitude which has been debated in this house since the revolution.—The petitioners have particularly stated that the principles, religious, moral, and political, set forth in their petition, are expressly inculcated by the religion they profess: it will be therefore incumbent upon me specially to examine the principles taught by their religion, as they are laid down by their own writers ancient and modern, and as they are warranted by the uninterrupted practice of their church for ages. It will, however, be first necessary to examine how and in what manner they are disqualified from enjoying offices and occupying seats in parliament.—The only obstacle at present to the occupation of seats in the two houses of parliament by the members of this sect, arises from the laws enjoining the taking of the oath of supremacy, and repeating and signing the declaration againt transubstantiation, &c. by all members of the two houses of parliament, previous to their taking their seats and voting in either house: with which injunction if romanists complied, they would be as capable of occupying seats in parliament as protestants. This injunction they obstinately refuse to obey, and thereby exclude themselves.—If indeed they would offer to take the oath of supremacy, there might be some plausible arguments adduced for the repeal of the parts of these acts which enjoin the repetition and subscription of the declaration against transubstantiation, &c.; because that is a declaration against certain doctrinal points held by romanists, which do not immediately tend to a disavowal of the supreme authority of the state, so far as to countenance or command a resistance to the civil magistrate, and is a matter of opinion only, unconnected with the government: but their rejection of the oath of supremacy is an open avowal, that they do not admit the state to have any just power to compel their submission to its laws, in any point of temporal government, intimately and inseparably connected with the administration of the supreme power in spiritual matters; that is, in other words, they refuse and reject an oath of allegiance to the state, and insist that there is an extraneous power paramount to that of the state, to which their allegiance is due in all spiritual matters, or in all matters which that power shall deem spiritual; and in all temporal matters which are inseparably connected with such spiritual supremacy, which amount to nearly one half of the whole temporal power of a state; and may indeed swallow up the whole, which it has attempted in many countries: because the determination of what portion of dominion, in temporal matters, is within the vortex of spiritual supremacy, is left to a foreign ecclesiastic, and his vassals the romish priests, within this empire. The pope never did claim any temporal power, save under the pretext, that it was inseparably annexed to the supreme spiritual power, and a consequence of it. What immense temporal power he claimed, and in fact exercised within this realm, under such pretence, let our histories and statutes declare; the fourth Lateran general council shews the extent of the authority over temporal princes and their dominions claimed by the pope.—The qualifying subjects, who hold so anarchical a doctrine as a point of faith, to become part of the supreme power, by admitting them to a share of the supreme legislative authority in a protestant state; and that too a state, the most powerful part of whose supremacy is lodged in a popular assembly, is in its own nature an absurdity, and must, if effected, be attended with the most ruinous consequences to the constitution.—Before I proceed farther, it will be necessary to put gentlemen in mind of the oath of supremacy (which we have all taken) by repeating it: "I ——— do swear, that I do from my heart abhor, detest, and abjure, as impious and heretical, that damnable doctrine and position, that princes excommunicated or deprived by the pope, or any authority of the see of Rome, may be deposed or murdered by their subjects, or by any other person whatsoever; and I do declare, that no foreign prince, prelate, state, or potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm. So help me God."—The oath of supremacy was originally framed in the reign of King Henry VIII. merely as an oath of allegiance; the usurpations of the pope then becoming intolerable in England, he claiming and exercising a power over the subjects, under the mask of spiritual power, or as inseparably annexed to it, equal to the power of the crown at least, and in many cases paramount to it, and subversive of it. See preambles to the statutes of the 24th Hen. VIII. ch. 12, 25; 25th Hen. VIII. ch. 21; 26th Hen. VIII. ch. 1; 32d Hen. VIII. ch. 38; and the Irish statutes of the 28th Hen. VIII. ch. 13; 2d Eliz. ch. 2.—By this oath, in its original form, the king was declared to be the only supreme head on earth of the church of England and Ireland. This clause was objected against as an acknowledgment of a sacerdotal power in the king; to obviate this, he took care to declare publicly, that he claimed only a civil supremacy; that he made no pretensions to any sacerdotal power; that his supremacy was not that purely spiritual power which is lodged in the church, but a temporal supremacy over all the spiritual power of it within his own dominions.—All the great officers of the state, bishops, and nobility, within his realm (two excepted,—Sir Thomas More, and Fisher, bishop of Rochester), took this oath. Romanists were then better subjects than they are at present!—The objection, however, being still urged by the partizans of the court of Rome, queen Elizabeth, at the commencement of her reign, changed that clause in the oath, and inserted in its room, "that the king (or queen) is the only supreme governor of this realm, as well in spiritual or ecclesiastical things or causes, as temporal; and that no foreign prince, state, or potentate, hath or ought to have," &c.—To guard against any perverse interpretation of this oath, she published injunctions, wherein she declared, "that she pretended to no priestly power; that she challenged no authority, but what was of ancient time due to the imperial crown of England; that is, under God, to have the sovereignty and rule over all manner of persons born within her dominions, of what estate, whether ecclesiastical or temporal, soever they be, so as no foreign power shall or ought to have any superiority over them." The romanists, however, by the anathemas of the pope, were so changed for the worse, and their obligation of fidelity to their prince and country so loosed since the reign of Henry, that they universally rejected this oath, though simply an oath of allegiance to their natural sovereign.—On the accession of James II. a bigoted papist, he, finding himself invested by this oath with the supreme governance of the established church, was induced by his bigotry, in direct breach of his coronation oath, to use this authority for the subversion of the established church; and this danger to the church, from the monarch's being invested with such power, was noticed by the sagacious patriots who conducted the revolution; and on that glorious event they determined to rescue the church from such peril, and expunged from the oath of supremacy the clause "that the king is the only supreme governor of this realm, as well in spiritual or ecclesiastical things or causes, as temporal;" so that the subject is now only bound to swear, by the oath of supremacy, to the independence of the empire on any foreign power; and it is merely and simply an oath of allegiance to the state: in fact it was always so, and such as no subject, who is not a traitor, can conscientiously refuse; it is, as it now stands, completely purged of all reasonable, or even plausible objection; it never was an oath of exclusion, or even of restriction, unless of traitors; it is absolutely, strictly, and literally conformable to the ancient and acknowledged common law of the realm. That ancient common law is acknowledged, repeated, and recognised, in the preamble of the statute of præmunire, enacted in the 16th of Richard II. at the time this kingdom was in communion with the Romish church: that statute recites, "that the crown of England hath ever been free, and subject to none, but immediately unto God; and the laws and statutes of this realm ought not to be submitted to the bishop of Rome, to be defeated at his pleasure, to the destruction of the king, his crown, and his regalia, and of all the realm, which God defend." This was the voice of the people in open parliament at that time. See the statute, Carte's Ormond, vol. I. from page 36 to 43. See also Davis's Reports, case of præmunire.—The romanists of this day complain of the laws which enjoin the taking of this oath, declaring that they cannot in conscience take it, that it is to them an exclusive oath, as they cannot sit in Parliament without taking it; and they and their abettors (among whom in this point they muster all the jacobins in the country) desire to have these laws repealed. They plead thus: we are from conscience traitors to our country; we maintain that our country is subject to a foreign power; we are always ready to support the authority of that foreign power in every possible way, by arms or otherwise, and to bow down our country to its authority: we therefore demand the repeal of the laws which oblige us to swear allegiance to the constitutional governing powers of our country; which repeal will be a national acknowledgment of the dependance of our country on, and its subjection to, a foreign tribunal. It will enable us to procure seats in the great supreme council of the nation; and confer power on us to betray the independence of our country. The pope and all our divines assure us, that we are bound in conscience to do so, when we shall procure power. Dr. Troy, our archbishop of Dublin, an eminent dignitary of our church, in his pastoral letter, published in 1793, has told us, "that it is a fundamental article of the Roman catholic faith, that the pope or bishop of Rome is successor to St. Peter, prince of the apostles, in that see: that he enjoys by divine right, a spiritual and ecclesiaitical primacy, not only of honour and rank, but of real jurisdiction and authority in the universal church: that catholics cannot conscientiously abjure the ecclesiastical authority of the bishop of Rome: that Henry VIII. of England was the first christian prince that assumed ecclesiastical supremacy, and commanded an enslaved parliament to enact it as a law of the state, and that the catholics consider it as an usurpation." Pursuant to this doctrine, we, the catholics, will endeavour, by every means in our power, to free ourselves from that usurpation; and pray, good protestant usurpers, assist us in doing so! put us into a capacity of effecting it! that is, of betraying our common country to dependance and slavery.—The patrons of this measure argue that the sentiments of romanists are changed for the better from what they were formerly. It is already shewn that if they have suffered any change since the reign of Henry VIII. the change has been for the worse, and that they now avow greater hostility to the constitutional independence of the nation (justifying that hostility upon principle) than they did at that period.—But to give a clear and explicit refutation of this argument, it will be necessary to expose the avowed principles of the Romish religion in respect to temporal governments; to inquire whether they have been ever disavowed, and whether any material change has been effected in them at any, and what period.—And first, it is necessary to state, that all Romish bishops, and among the rest his majesty's subjects now resident in the British dominions, under the denomination of titular archbishops and bishops (who, in direct defiance of the laws, assume the titles of most reverend and right reverend, being the titles of real archbishops and bishops of this realm), at their respective consecrations swear an oath of allegiance to the pope, which is utterly inconsistent with their duty to his majesty and the state. Among other clauses (all exceptionable) are the following: "that they will from that hour forward be faithful and obedient to St. Peter, and to the holy church of Rome, and to their lord the pope, and his successors, canonically entering: that the papacy of Rome, the rules of the holy fathers, and the regality of St. Peter, they will keep, maintain, and defend against all men. The rights, privileges, and authorities of the church of Rome, and of the pope, and his successors, they will cause to be conserved, defended, augmented and promoted." Another clause in the oath is, "that heretics, schismatics, and rebels to the holy father and his successors, they will resist and persecute to their power." This clause Dr. Troy states to be now omitted in the oath of Romish bishops, in countries not in communion with the Romish church, at the instance of the late Empress of Russia, who made that a condition of her permitting a Romish bishop to reside within her dominions. If such be the case, the oath is sufficiently hostile to a protestant government without it.—I shall next repeat an extract from the oath taken by all Romish priests at their ordination. "Fifthly, the holy catholic, apostolic, and Roman church, I acknowledge to be the mother and mistress of all churches; and to the Roman pontiff, successor of the blessed Peter, prince of the apostles, vicar of Jesus Christ, I promise and swear true obedience. Sixthly, all doctrines delivered, defined, and declared by the sacred canons and by the general councils, and especially by the most holy council of Trent, without the smallest doubt I receive and profess; and whatsoever is contrary thereto, and all heresies condemned, rejected, and anathematized by the church, I equally condemn, reject, and anathematize. Seventhly, this true catholic faith, out of which there is no salvation, which at present I freely profess and sincerely hold, I do promise, vow, and swear that I will most constantly retain and conserve, inviolate, with God's help, unto the last breath of my life; and that, as far as in me lieth, I will be careful that it be held by, taught and preached to my subjects," [All Romish priests call their parishioners subjects, in latin subditi.] "or those the care of whom shall belong to me in my function. So help me God."—The next evidence of the principles of the Romish religion, in respect to temporal governments, which it is proper to adduce, is the decrees of the fourth general Lateran council, held under pope Innocent III. in 1215, in its third chapter. This council consisted of four hundred bishops, and eight hundred other fathers. These decrees assert the power of the church (that is, of the pope) of disposing of the dominions of kings and princes, commanding temporal lords to purge their dominions of heresy under pain of excommunication, absolving their subjects from their allegiance, and exposing their dominions to the invasion of catholics; denouncing against kings, rulers, and subjects, guilty or even suspected of heresy, or inactivity in detecting and punishing heretics, the most terrible temporal punishments, such as confiscation, banishment, torture and death; declaring that no faith is to be kept with heretics, nor conventions nor agreements made with them; or if made, that they were nullities in themselves, and that no communication of any kind is to be held with them.—The council of Constance in 1415, the subsequent council of Basil, and the famous council of Trent, of later years in the sixteenth century, all confirmed the decrees of the Lateran council, particularly in respect to heresy. That of Constance, in conformity with the decrees of the Lateran council, compelled Sigismund, king of the Romans, to break his faith with John Huss, and deliver him up to the council contrary to his faith and safe-conduct, declaring "that no safe-conduct given to a heretic under what covenant soever, by any emperors, kings, or other secular princes, ought to exempt such heretic from the judgment of his competent ecclesiastical judge, who may punish him, though he come to the place of judgment, confiding in that safe-conduct, without which he would not have come;" and John Huss was condemned for heresy by that council in its twelfth session, and burned alive in its fifteenth.—In conformity with the decrees of the council of Lateran, Pope Pius V. excommunicated Queen Elisabeth, and absolved her subjects from their allegiance: his bull for that purpose was afterwards renewed and confirmed by his successor Gregory XIII. Pope Clement IX. in conformity with the same decrees, issued his bull, enjoining the English romanists to do their utmost to keep out the Scottish heretic (so he styled King James I.), that he might not in any wise be admitted to the kingdom of England, unless he would reconcile himself to Rome, and hold his crown of the pope, and conform himself and all his subjects to the religion of the Roman church. [See Carte's Ormond, vol. i. p. 33.]—It is to be remarked, that all these bulls were issued, not from the private ambition of the popes and court of Rome, but in direct conformity with the injunctions and decisions of the general councils of the Romish church.—Charles VI. Emperor of Germany, executed the treaty of Alt' Radstadt, and thereby granted certain privileges to some of his protestant subjects, and entered into some covenants with the protestant princes of the empire. Pope Clement XI. in a letter to that emperor, dated June 4, 1712, writes thus: "We, by these presents, denounce to your majesty, and at the same time by the authority committed to us by the most omnipotent God, declare the above-mentioned covenants of the treaty of Alt' Radstadt, and every thing contained in it which are any wise obstructive of, or hurtful to, or which may be said, esteemed, pretended, or understood to occasion or to bring, or to have brought the least prejudice to, or any ways to hurt or to have hurt the catholic faith, divine worship, the salvation of souls, the authority, jurisdiction, or any rites of the church whatsover, together with all and singular matters which have followed, or may at any time hereafter follow from them, to be and to have been, and perpetually to remain hereafter *de jure*, null, vain, invalid, unjust, reprobated, and evacuated of all force from the beginning, and that no person is bound to the observation of them or any of them, although the same have been repeatedly ratified or secured by an oath; and that they neither could nor ought to have been, nor can nor ought to be observed by any person whatsoever."—The pope's legate at Brussels, in the year 1768, when an oath was in contemplation in parliament to be taken by the Roman catholics of Ireland, writes to Ireland in the following manner respecting that oath:—That the abhorrence and detestation of the doctrine, that faith is not to be kept with heretics, and that princes deprived by the pope may be deposed or murdered by their subjects, as expressed in that proposed oath, are absolutely intolerable, because, as he states, those doctrines are defended and contended for by most catholic nations, and the holy see has frequently followed them in practice. On the whole he states, that as the oath is in its whole extent unlawful, so in its nature it is invalid, null, and of no effect, insomuch that it can by no means bind or oblige consciences.—It is now time to come to authorities still more modern in this point, and those of men of the Romish persuasion in high credit with our ministers. Doctor Troy, the Romish archbishop of Dublin (who at this day openly assumes and uses the arms of that archbishopric, surmounted with a cardinal's cap, from whence I presume him to be a cardinal), in a treatise which he entitles a pastoral letter, published by him in London and Dublin so late as the year 1793, asserts, that all Roman catholics consider the express decisions of their general councils, as infallible authority in point of doctrine." And Dr. Hussey, who informs us that he is Romish bishop of Waterford, appointed by the pope, in a pamphlet styled a pastoral letter, published by him in London and Dublin in 1797, not only holds the same doctrine, but forbids all romanists, under pain of excommunication, to permit any of their children, under any pretence, to resort to a protestant school: in the same pamphlet he addresses the Romish soldiery, and exhorts them by no means to obey their officers in any orders relating to spiritual concerns, without particularly specifying what he means by spiritual concerns, but reserving the interpretation to himself and the Romish priesthood; and stating, that if any officer should enforce obedience to his orders relating to spiritual concerns, such officer might feel the effects of such conduct in the day of battle; that is, the Romish soldier might then turn upon, and assassinate him, or desert to the enemy.——It is very proper to remark here, that Doctor Hussey was, within these very few years, sent over to Ireland by the British ministry, under the protection of the English secretary of state in Ireland; and was made president of a most magnificent college, (infinitely more grand, and of more expensive foundation, than any college in his majesty's dominions) then founded and endowed for the exclusive education of Romish priests in Ireland by the government, and by express directions of the British ministry; that is, for the perpetuation of popery and disaffection in so great a limb of the British empire! and that Doctor Troy, during the lieutenancy of the Marquis Cornwallis in Ireland, was in great credit at the Irish court. An English Romish priest of the name of Milner, who as I understand is one of the four apostolic vicars in England, in a very recent publication has taken some pains to inform his sovereign or future sovereigns how far he or they may be bound by the coronation oath; and states, "that every human law and every promise or other engagement, however confirmed by oath, must necessarily turn upon the cardinal virtue of prudence;" which implies that it depends as to the obligation of fulfilling it in such and such circumstances on the question of expediency. I believe the protestant subjects of this empire have no great occasion to apprehend that his present majesty will consult this casuistical Romish divine on cases of conscience.—After this exposure of the present Romish religious principles, so radically hostile to the temporal government and established constitution of the British empire in church and state, of such antiquity, of such indisputable authority, and of such recent avowal, let the supporters of the present measure inform the house, at what period, and by what public authority did the Romish church or its votaries renounce or disavow these principles, or any and which of them.—It is notorious they never did; their rejection of the oath of supremacy, simply an oath of allegiance avowing the independence of the state, their anxiety to have the law enjoining the taking of it repealed, amount to a full confession and avowal of the romanists, that they have not in any shape changed those principles. — It has been frequently and confidently asserted by romanists and their abettors, that the doctrines held by them respecting the supreme jurisdiction in spiritual matters, and its residence in a foreign tribunal, can never affect the temporal authority and jurisdiction in this, or in any other country.—What has been already advanced is sufficient to refute this assertion; but it is proper to add, that the supreme jurisdiction in spiritual matters does draw into its vortex a very large share of temporal power, as inseparably annexed to it, and incorporated with it, even though we exclude a vast portion of temporal jurisdiction claimed by the romanists as adhering to the supreme jurisdiction in spirituals, which in fact does not belong to it, nor is incorporated with it. In proof of this, let the preambles of the several statutes heretofore enacted in this kingdom, for abolishing the pope's usurped jurisdiction in spirituals, be referred to; they particularise the vast portion of temporal authority inseparably annexed to the exercise of supreme jurisdiction in spirituals. (See the preambles of the acts of the 16th Richard II.; 24th Henry VIII. chaps. 12, 25; 25th Henry VIII. chaps. 20, 21; 26th Henry VIII. chap. 1; 32d Henry VIII. chap. 38; Irish acts of 28th Henry VIII. chaps. 13, 19; 2d Elizabeth, chap. 1.) These preambles recite the great mischief done to this empire, "by appeals made to the see of Rome in causes testamentary; causes of matrimony and divorces; right of tithes, oblations, and obventions; by intolerable exactions for bulls, delegacies, and rescripts, in causes of contention; as well as for dispensations, licenses, and faculties, in an infinite number of cases." —Matrimony is held by the Roman catholics to be a sacrament, and the cognizance of it to belong to the spiritual jurisdiction. This, in many cases, would confer a jurisdiction on the pope as surpreme head of the church, of deciding whether a man was the lawful heir of his father, and entitled to his real and personal estate; and whether a woman was entitled to dower; with several other temporal concomitants. Excommunication is a matter of spiritual jurisdiction; and the tyranny exercised over the property and other temporal concerns of the laity by the Romish priesthood in Ireland is terrible almost beyond description. Auricular confession and absolution, by giving them the dominion over the consciences of men, confer a mighty power in temporal matters upon them; and Buonaparté, though a fierce unprincipled tyrant and usurper, was so well convinced that the supremacy in spirituals would essentially contribute to the support and establishment of his temporal power, that he procured himself to be crowned by the pope as supreme head of the church.—In favour of the measure of investing romanists with political power in the British empire, it has been urged, that the doctrine of the supremacy of the pope in spirituals is not attended with any ill consequences at present, and affords no subject of complaint to the temporal power, in any state in Europe, popish or protestant; though in all popish states, and in many protestant, romanists are admitted into places of power and trust.—The plain answer to this is, that all the popish states in Europe, previous to the anarchical progress of the recent French revolution, were either despotic monarchies, or equally despotic oligarchies, and that the people at large had no political power in them. The despot, or aristocratic rulers, insignificant in number when compared with the population of the state, possessed the whole political power; and no person, professing a different religion from that of the state, was permitted to enjoy any political power. The great mass of the people, being excluded from all manner of power or influence in the state, were, what Englishmen term, slaves: and every question which could arise from the claim of papal supremacy in such states, was decided by the despots and the court of Rome.—As these despots were themselves of the Romish persuasion, no controversy could happen between the temporal and spiritual jurisdictions, on the score of heresy or difference in religious opinions: the spiritualty could never have occasion to put in execution the tyrannical decrees of the lateran council against the despots themselves; and these despots actually became the executioners of the judgments of the spiritualty, on such of their enslaved subjects as presumed to question any tenet of the Romish superstition:

or they permitted the spiritualty themselves to execute them: in respect to any other points of temporal jurisdiction claimed by the spiritualty, as annexed to the supreme jurisdiction in spirituals, it became the interest of the despots to acquiesce in part in them, and thereby to attach the interest of the clergy to their own domination, well knowing that superstition can give strong support to despotic power, by inclining the people to submit to slavery; and the temporal and ecclesiastical powers found it their mutual interest to unite themselves, to ensure and continue the submission of the people.—In protestant despotic states it is not of great moment to the despot, what religious opinions are held by a part of his subjects: the people have no power in the state, and it is of little consequence to the despot whether the men he employs as his servants are of one religious persuasion or the other, they being merely his creatures, and extinguishable at his pleasure. But in protestant states, in which the people, or their elective representatives, have some share in the government, romanists were excluded, before the baneful progress of the French revolution, from all share of political power. The Swiss confederacy, composed of a league of small protestant and Romish states for their mutual security, is a strong instance of this: in the protestant cantons no romanists were admitted members of the senates, or even to any places of trust or confidence in the state: a similar regulation took place in the Romish cantons with respect to protestants. In the United Provinces, so often cited as models of toleration, though all sects were tolerated, yet civil offices were only enjoyed by professors of the established religion: "It was not there considered as a punishment on men to be excluded from public offices, and to live peaceably on their own revenues and industry." (See Hume's history, vol. viii. page 274.) Romanists were also excluded in Holland from seats in the assembly of the states general.—If therefore the British empire is to be influenced by the practice of every popular protestant state in Europe, romanists should not only be excluded from all places of trust and power, but from all situations which would invest them with any share of political power; and above all from seats in the supreme legislative assemblies, the houses of lords and commons.—But the very constitution of Britain is such, as renders the exclusion of romanists from seats in the legislative assemblies not only expedient, but of absolute imperative necessity. In the British empire the supreme legislative power rests in the king, lords, and commons; the commons being the representatives of the great mass of the people, or the democracy; the peers the representatives of the richest and most dignified part of the people, or of the aristocracy. In these two assemblies, but particularly in the house of commons, vastly the most powerful of the two, is vested the greatest and most efficient part of the sovereign power of the state: and to admit the avowed enemies of the constitution in church and state, to form a part of the sovereignty of the state, is so manifestly an absurdity in politics, that it is surprising such a measure should be supported by men of ability professing themselves to be friends of the constitution.—As it has been more than once openly and confidently asserted by an able member (Mr. Fox) of this house, that the exclusion of romanists from the houses of lords and commons is an unjust invasion of their natural rights, it is necessary here to repeat what has been already mentioned, that romanists exclude themselves, by their rejection of the oath of supremacy; an oath enjoined to be taken, not by them alone, but by all members of the houses of lords and commons, not being in its own nature an oath of exclusion, but an oath of allegiance to the state, abjuring all foreign jurisdiction: and their rejection of this oath amounts to an avowal, that they are in principle traitors to the state, in acknowledging a foreign jurisdiction. The argument by which this able senator supports this opinion is, that all members of the state are by natural right entitled to an equality of political power, so far as a capability of enjoying all the honours, emoluments, and privileges of the state, according to their respective abilities: that no member of the state should be curtailed of any of these privileges for any opinions he may entertain or promulge, be they ever so traitorous or hostile to the constitution, unless he attempts by some overt act to carry them into effect; for that opinions are not objects of laws, but actions only. But though it be admitted that private opinions are not properly the objects of criminal or disqualifying laws without overt acts, are not the dissemination of opinions traitorous and hostile to the constitution, and attempts to proselytize people to such opinions, overt acts, and the objects of penal and restrictive laws in the British empire? A man may keep destructive poisons in his closet, without becoming obnoxious to the operation of any penal or restrictive law;

but if he publicly vends or administers them, the laws restrain and punish him. It is also a fact, that preventive laws in the British empire, the wisest of all laws, do make opinions their objects, and fix disqualifications, not only on the maintainers of opinions, but also on those who may be reasonably suspected of holding certain opinions. For instance, revenue-officers are by act of parliament disabled from voting at elections of members of parliament; and by the place bill, certain classes of placemen and pensioners are disqualified from sitting in parliament; persons, not possessed of 300 l. per annum of landed estate, are disqualified from representing a borough, and those not possessed of 600 l. per annum from representing a county, in parliament: on what ground is it that so many persons are curtailed of their privileges? is it not on the suspicion, that their particular interests will inspire them with opinions adverse to the interests of the state, and that they will vote in conformity with such hostile opinions, if admitted to the enjoyment of such privileges? Romanists, whose opinions are openly and avowedly hostile to the state, are in a better condition than the already mentioned respectable classes of society: by taking the oaths administered to all the members of the legislative body, they may sit in parliament: not so with the classes mentioned; they are absolutely and irrevocably excluded.—This doctrine of natural rights, besides what is already mentioned, may receive the following full and decisive answer. Man from his very nature is a gregarious animal; there is no instance in nature of savage solitary man; society is necessary for his preservation and the continuance of the human race; therefore no right can be properly termed a natural right, which is not also a social right; or, in other words, the rights of society are natural rights: if therefore any man, or class of men, claim privileges as natural rights, utterly inconsistent with the well-being, and even existence of the society, or political state, of which he is a member, such claim is to be utterly rejected, as not being properly a claim of a natural right; or if of a natural right in a solitary state of nature (such a state being supposed to exist), certainly not a claim of right to be admitted by the society of which he is a member; because it tends directly to the destruction of the society, and all claim of presumed right must yield to the paramount claim of real social right, the preservation of the state. Away then with the claim of romanists to seats in both houses of parliament as their natural right!—It is here fit to remark, that romanists cannot derive any support to their exertions and those of their abettors, for the repeal of the acts enjoining the taking of the oath of supremacy, from this doctrine, that opinions without overt acts are not the objects of legislation; because the overt acts of our own countrymen, and others, professors of this cruel and unrelenting superstition, for the purpose of subjecting the British empire to a foreign jurisdiction, since the commencement of the reign of queen Elizabeth, have been too frequent, flagrant, and notorious to be denied. Witness the bulls of Pope Pius V. and his successors, for the dethronement and assassination of that queen and James I.; the conspiracies of her own Romish subjects, in conformity with these bulls, for her assassination, and that of her successor; the projected Spanish invasion; the gunpowder plot; the desperate Romish rebellion and horrible massacre of the protestants of Ireland in the reign of Charles I.; the obstinate and destructive rebellion of the Irish romanists in the reign of William III.; the recent atrocious rebellion in Ireland, and the unprovoked murder of thousands of Irish protestants, men, women, and children, in cold blood: in extenuation and excuse of which rebellion and massacre, all the malevolence and falsehood of the whole republican, jacobinical, Frenchified faction in England, have been ever since employed; in too many instances with a pernicious and even a fatal effect.—In justification of the present proposed measure, pleas of merit in the modern race of Romish subjects have been advanced; and first, that they have conducted themselves peaceably and loyally ever since the revolution, though under the pressure of rigorous, impoverishing, and disqualifying statutes; and a great minister of state, (the present chancellor of the exchequer) has been so far deluded by the misrepresentations and falsehoods of Romish advocates and emissaries, as to declare himself a patron of their claims, on the score of their patience and forbearance for a century past. Secondly, it has been asserted, that the Irish romanists heartily concurred in the measure of union of the two nations (though it was opposed by the Irish protestants), and by their power, influence, and interest, not only contributed to the success of that great measure, but were the chief instruments of it.—The truth of these two pleas I will separately examine, and reply to them both.

The first is a plea of loyal and peaceable conduct of the romanists of the empire since the revolution. When the Romish scheme of subversion of the protestant establishment in church and state, under the conduct, patronage, and influence of the bigoted monarch who then swayed the British sceptre, was completely defeated by the spirit of the nation (raised and directed by the renowned William III.), but through the medium of a bloody civil war, from the obstinate resistance of the Irish romanists, the political power and consequence of the romanists in Great Britain were annihilated, and in Ireland reduced to a very low ebb. In Great Britain their dwarfish number, compared with the gigantic multitude of protestants, ensured the political impotence of the sect; but the case was different in Ireland: the romanists exceeded the other subjects in number in that country (though not in the magnified ratio stated in their own inflated accounts), which prevented their sinking into political impotence. Yet their decisive defeat at that period reduced them to great political imbecility: though fallen to the earth in both kingdoms, their reiterated conspiracies and rebellions induced the state to guard against their acquisition of new strength after their fall, Antæus-like: hence sprung the system of what are called popery laws in both kingdoms, enacted since the revolution. These laws, by popish writers, and the abettors of popery throughout the empire, are represented as most oppressive and unjust; and as the causes of the notorious disaffection of the romanists to the state, and of their conspiracies, massacres, and rebellions; but this is a gross misrepresentation; for that part of the code particularly complained of as unjust and oppressive, was enacted in the reigns of William and Anne, after their conspiracies, massacres, and rebellions, had been plotted and executed, and therefore was the effect, and not the cause, of their notorious disaffection and treasons. And these laws could not have been the causes of the last rebellion and massacre in Ireland, for they were all repealed prior to that rebellion and massacre. The popery code was nearly the same in both kingdoms.—These wise laws (for wise and provident they were, notwithstanding the false and clamorous declamations of romanists and their abettors against them) prohibited romanists from the acquisition of landed property, political influence, and power, in both countries; and thereby disabled them in a great measure from disturbing the state, in conformity with their avowed principles. Whilst these laws remained unrepealed, the romanists were more peaceable subjects than they now are, because it was not in their power to be otherwise: the maniac in a straight waistcoat, or the tiger in a cage, can do no mischief, yet deserve no commendation for their gentleness. The British ministry, influenced by active and able Romish agents (particularly the late Mr. Edmund Burke), and imposed upon by the grossest falsehoods and misrepresentations (which have had a powerful effect on them, from their own absolute ignorance of the true state of Ireland), have, for these twenty years last past and upwards, exerted all their influence in the Irish parliament to procure the repeal of these laws, session after session, and have in a great measure succeeded, though they have not yet procured the repeal of the popery code in England in the same degree. In this respect they treated the Irish nation in the way that condemned malefactors have been sometimes treated, on whom dangerous experiments in physic and surgery have been tried, before their general application is sanctioned to the public. The English ministry, not content, in the year 1793, with procuring a bill to pass in the Irish parliament, for repealing all the laws which disabled romanists to vote at elections of members of parliament, prefaced the bill with an assertion I cannot admit, to wit, that the conduct of the romanists had been loyal. Whoever will take the trouble of turning to the Irish acts of the 19th of Geo. II. of the 29th of Geo. II. and to all the acts passed in Ireland for twenty years preceding the year 1793, for the suppression of the petty rebellions of the White Boys and Defenders, all romanists, who have from time to time infested and desolated several parts of Ireland, committing the most atrocious acts of treason, will be clearly convinced that the Irish romanists have no good claim to the character of loyal subjects, from the time of the revolution to the era of their late rebellion. But supposing it were admitted, for argument's sake, that romanists have been generally peaceable subjects, from the revolution till a few years before the breaking out of the late rebellion (loyal it cannot be pretended that they were, their avowed principle of the subjection of the nation to a foreign yoke being disloyal), they can derive no merit from such peaceable demeanour: the popery code rendered their submission to the laws a matter of necessity; they were peaceable because they were disabled, in a great measure, from exerting their avowed hostility to the constitution by the efficacy of the popery code; and nothing more clearly demonstrates the truth of this conclusion than this fact, which cannot be denied, that they have advanced in their march of sedition and treason at the same rate of progression, as the English ministry proceeded in Ireland with the repeal of the popery code; and they broke out into open rebellion, and commenced a massacre of the protestants of Ireland, very shortly after a great part of that code was repealed, and they were admitted to an equality of civil privileges with protestants, the capacity of sitting in parliament, and enjoying some great civil officers, excepted.—Can any circumstance carry a more decisive proof of the wisdom of the popery code, and of the folly of repealing it, than the actual consequence of that repeal just mentioned? and can any thing be more clear than the insufficiency of the claim of merit of romanists, on the score of their peaceable and loyal conduct since the revolution? Loyalty certainly they never had the slightest claim to; their avowed religious principles are disloyal. To peaceable conduct their claim is also ill founded in general; and where it has any foundation, it entitles them not to the gratitude of the state, because it was not the effect of choice, but of imbecility; and that the effect of the wise system of laws, the repealed popery code. It may not be here improper to quote a passage out of the the speech of the late earl of Chesterfield, at the opening of the Irish parliament in the year 1745, he being then lord lieutenant of Ireland, to shew the opinion entertained by that able statesman, and the government he then served, of the popery laws.—"The measures (said he) that have been hitherto taken to prevent the growth of popery, have I hope, had some, and will still have a greater effect; however, I leave it to your consideration, whether nothing further can be done, either by new laws, or by the more effectual execution of those in being, to secure this nation against the great number of papists, whose speculative errors would only deserve pity, if their pernicious influence on civil society did not both require and authorise restraint."—The second plea of merit of romanists, to wit, that they supported in Ireland the great measure of an union of the two kingdoms, and by their exertions effected it, is as void of foundation in fact, as the former. Every one, who has the smallest acquaintance with the history of Ireland, must acknowledge, that the whole body of Irish romanists, from the commencement of the reign of Queen Elizabeth to the present time, has directed all its exertions to the separation of Ireland from England. Such separation was and is the point to which Irish romanists have uniformly directed all their conspiracies, all their massacres, all their rebellions, all their political views and measures. The Irish protestants, on the contrary, were always firmly attached to Great Britain, and always looked to Great Britain for protection, countenance and support; being ready at all times to expend the last shilling of their property, and spill the last drop of their blood, in defence of the just rights of the British empire. The whole body of protestants till a few years back, and a very great majority of them since, were ambitious of uniting the nation indissolubly to Great Britain by an incorporating union; and by their representatives in parliament actually petitioned the crown to procure such an union in the reign of queen Anne; which petition was then, with unaccountable haughtiness, rejected. But the Irish romanists, so late as the year 1795, proclaimed their hostility to that measure. In the spring of that year, the representatives of the whole mass of the Roman catholics of Ireland, chosen from every considerable district, city, and town in that kingdom, by open, popular election, assembled at St. Francis's Romish chapel, in the city of Dublin. In this assembly the most treasonable speeches, stuffed with the most virulent invectives against the British nation, and the most lavish praises of the French revolution, stigmatizing the war against the French regicides with the epithet of an impious crusade, and exhorting the nation to a separation from Great Britain, were uttered by several of the leading and popular romanists. The assembly entered unanimously into several factious and treasonable resolutions. It was surmised at this assembly, that an union between Great Britain and Ireland was then in the contemplation of government, though no such measure had been announced; and one of the unanimous resolutions was the following: "Resolved, that we pledge ourselves, collectively and individually, to resist even our own emancipation, if proposed to be conceded on the ignominious terms of an acquiescence in the fatal measure of an union with Great Britain." By the unanimous vote of this assembly, consisting of above fifteen hundred men, representatives of all the romanists of Ireland, these resolutions, together with abstracts of the speeches of the principal demagogues among them, were published in most of the factious papers, both in Great Britain and Ireland. Here then is proof positive of the hostile sentiments of the whole mass of Irish romanists, not of any partial body of them, to the measure of and incorporating union of the two nations so late as the year 1795. — Their declarations against the measure did not stop there: in the year 1799, as soon as an union was proposed by government, a meeting of the romanists of the city of Dublin was convened by their leaders at the Royal Exchange; at this meeting, a very general one, they entered into violent resolutions against an union, which they published as usual in the factious papers both in England and Ireland. The same line of conduct was pursued in several other parts of Ireland, though this hostility of the Irish romanists to an union was perfectly impotent, the political imbecility of the whole sect, particularly after the suppression of their then recent rebellion, rendering them incapable either of promoting or obstructing the measure; yet the English government in Ireland condescended to negotiate with the party, and endeavoured to procure signatures of the dregs of the people of that persuasion to papers and addresses in favours of the measure. Several addresses of this kind appeared in the government prints; the names of wretches who could not write their names, appeared as if they were subscribers to such addresses. The very gaols were canvassed to procure subscribers, and multitudes of names appeared, as the names of real subscribers to these addresses, though persons of such names did not exist in the places from which the addresses were stated to have been sent: in short, with all the activity and intrigue of government, no considerable body of romanists throughout the kingdom could be procured publicly to avow their approbation of the measure. It is admitted, that many honest men, and good subjects at this side of the water (utterly ignorant of the state of Ireland, and of Irish affairs) have been duped, by the grossest falsehoods and misrepresentations, into an approbation of the measure now in debate; and that there is a difference of opinion among men of that description respecting it; but among demagogues, republicans, and infidels, there is no difference of opinion on it. They are unanimous in its support; and their unanimity on the point should induce all loyal subjects, who have been deluded into an opinion of its utility to the state, to re-examine the grounds of their opinion, and the authenticity of the information on which they formed it. It is fit to be remarked, that the first decisive step of the French revolutionists in their career of anarchy, was the subversion of their church establishment, which led immediately to the subversion of their civil government. The consequence of the proposed measure, if adopted, will be the same in the British empire; it therefore meets the approbation of all the Jacobins in it. To demonstrate that Irish romanists neither gave, nor could give, any assistance to the measure of an incorporating union, it is only necessary to state a known matter of fact, which is, that a great majority of the Irish parliament would never have agreed to an incorporating union with Great Britain, if any hint had been given, or had it even been suspected, that the present measure would be attempted, after an union had taken place. I call on the persons concerned on the part of government in conducting the business of the union in the Irish house of commons to deny this fact, if they can; for my own part, I can truly aver, that, instead of warmly supporting the measure of an union in the Irish commons, I would have opposed it to the utmost of my power, had I suspected that such a measure as the present would have been introduced into the imperial parliament, in the event of an incorporating union taking place; and I know many members of the Irish commons, supporters of the union, who would have decidedly opposed it, had they any suspicion of the present measure being one of its consequences: in short, a great majority of the Irish commons would have done so. One principal argument made use of by all the agents of government to the Irish members to induce them to agree to an union was, that all hostility of the British cabinet to Irish protestants, and all farther encouragement and support of Irish romanists, would for ever cease, on an union between the two countries taking place, because all inducement to such a species of policy would then for ever cease. Could any British subject ever suspect that in the reign of a prince of the house of Brunswick, a measure would be proposed in a British parliament, the attempting of which cost the unhappy James II. his crown, expatriated him and his posterity, and caused a breach in the hereditary succession of our kings, always a serious evil in an hereditary monarchy? Astonishing, that what our kings could not even attempt with impunity, should be, after a lapse of one century, daringly attempted; and that too under the reign of a prince, whose sole title to the crown rests on a principle, directly adverse and opposite to the principle of this measure! His title is a protestant title, and, thanks to heaven! our monarch is a protestant, a sincere one, and bound by his oath, and as strongly by his principles, to maintain the protestant religion as by law established. This measure directly tends to the sapping of his title; for if it is just and advantageous to the state, now to invest romanists with equal political privileges with protestants, it was equally so in the reign of king James II. Such a measure, now that an union between Great Britain and Ireland has taken place, is more mischievous to the British empire, than it could have been in the reign of James; because in his reign few romanists could obtain seats in the British parliament, as their sect was not then, nor is it now, very numerous in Great Britain. But Irish romanists, if this measure succeeds, will obtain seats in the imperial parliament, and in the course of a few years (as will be presently shewn) above eighty romanists, out of the hundred Irish commoners, will obtain seats in the imperial parliament:—a strong band, indissolubly knit together, who will certainly be allies to every junto of republicans, every band of dissenters, in every opposition to government, unless they shall be gratified to the utmost extent of their wishes, by the utter subversion of the constitution in church and state. Can any doctrine make more for the purposes and designs of the infidel and republican factions in our empire? Can any measure more directly tend to the subversion of our constitution in church and state, and the introduction of anarchy, democracy, and infidelity? It may be justly remarked, that this measure for the elevation and aggrandisement of popery, following so immediately on the heels of the Romish rebellion in Ireland, and the horrible massacre of the Irish protestants in the course of it, coupled with the almost general pardon of the principal traitors and murderers, actors in it, if it should be adopted, must, by every reasonable man, be considered as a public reward conferred on Irish romanists for their rebellion and cruel murder of their protestant fellow subjects in cold blood; and that too a reward of the utmost magnitude and value: it is already proved, that it cannot be esteemed a reward of their merits, for merits they have none. The favourers of this measure allege, that it is calculated to produce unanimity among the European subjects of the British empire, now more necessary than heretofore to the prosperity and independence of the state, from the overgrown power of France, and (echoing the words of James II. in support of the same measure) that it will render the subjects of the British empire, happy and flourishing at home, and formidable abroad. But it is demonstrable that the adoption of it will produce the direct contrary effect, and will arm the romanists with a formidable power, which they will infallibly exercise for the destruction of the state. The religious tenets of romanists render them irreconcilable enemies to a protestant state; they must cease to be romanists before their hostility to such a state can be extinguished: they hold, as infallible doctrines, the decrees of the fourth Lateran council: they hold as a point of faith, the supremacy of the pope: they hold themselves bound by all the obligations of religion, to propagate these doctrines by every means of persuasion and force. In conformity with such doctrines they hold, that all people, differing from them in matters of faith, are heretics doomed to eternal perdition: they hold that no faith is to be kept with heretics: they hold that no oaths of allegiance to an heretical prince or government are binding. Can the members of such a sect be admitted to share in the government of a protestant state? I conceive that no honest man in his reason will answer in the affirmative. No protestant state in Europe, in the government of which the people at large had a share, such as the republic of the United Provinces before the late revolution, ever admitted a romanist, or any person who did not profess the religion of the state, to any portion of political power. No arguments in favour of the measure can be deduced from the employment of romanists in some departments of the state by protestant despotic princes; because in their states the people at large have no political power, and the ministers must implicitly obey the orders of the prince; yet even in such despotic states, the instances of the elevation of romanists to great employments are very few, if any. It may be objected, that romanists declare themselves ready to swear allegiance in temporal matters to a protestant government; and assert, that they hold no such doctrine, as that faith is not to be kept with heretics: and to shew that they look on oaths to heretics to be binding, they argue, that if they did not think themselves bound by such oaths, they would not refuse to take the oath of supremacy, the taking of which would qualify them to enjoy the privileges they are now so ardently in pursuit of. To this it is answered, that the aforesaid doctrine is contained in the decisions of the Lateran council, a very general one, and so held to be by all romanists: that the practice of the court of Rome and of all its vassals and votaries, has been always strictly conformable to such doctrine: that the recent publications of the most celebrated divines of that persuasion, and among others, of Doctors Troy and Hussey, one an archbishop, the other a bishop, and both subjects of this empire, state, "That Roman catholics consider the express decisions of their general councils, as infallible authority in points of doctrine:" that the rejection of the oath of supremacy by Romanists, notwithstanding their taking it would entitle them to great privileges, is no proof that they consider themselves bound by oaths, by which they plight their faith to an heretical government, or to heretics in general: because the oath of supremacy contains an abjuration of the supremacy of the pope, under the title of a foreign prelate; and such an oath their religion will not permit them to take. Doctor Troy, among others of their eminent divines, tells them, "That Roman catholics cannot conscientiously abjure the ecclesiatical authority of the bishop of Rome, the supreme jurisdiction of the pope in spirituals being a fundamental article of the Romish faith." But the express decisions of the council of Lateran (infallible authority with them in points of doctrine) tell them that no faith is to be kept with heretics, and that all pledges of faith given to heretics, by oaths, or otherwise, are absolutely null and void, consequently are not binding, and ought not to be observed; so that they may take such oaths, and break them at their pleasure, as absolute nullities in themselves: and such has been the constant and avowed practice of their church.—It is now time to give a general catalogue of the momentous alterations in the British constitution in church and state, which will be the inevitable consequences of this measure if it shall take place: but it is however first necessary to make a few preliminary observations.—By the union the number of Irish representatives in the commons are reduced from three hundred to one hundred; of these, sixty-four are members for counties, and the remaining thirty-six for cities and great towns. All close boroughs, with the exception of one, as I recollect, and the most of the influenced boroughs, are deprived of the privilege of sending representatives to parliament. By an Irish act of parliament in the year 1793, obtained by the intrigues and influence of the British ministry, and passed in opposition to the opinions of the best informed men in Ireland, romanists became entitled to vote at the elections of members of parliament. Most of the cities and great towns, which retain the privilege of sending members to parliament since the union, such as Dublin, Wexford, Waterford, Cork, Limerick, Galway, Derry, Carrickfergus, and Drogheda, are counties within themselves; and a freehold of forty shillings annual value entitles the person seised of it to a vote. Newry and some other towns are pot-walloping boroughs: so that the representatives of the Irish commons are almost all returned to parliament by elections merely and purely popular. The right of voting in very few of the towns or boroughs entitled to representation in parliament is confined to the members of the corporation only; and romanists, by the aforesaid Irish act of 1793, are entitled to become members of corporations. The Irish romanists are in the proportion of about two to one to the Irish protestants in general; and the proportion among the peasantry of Ireland is greater in favour of the romanists, than among the other classes of society. The landed estates in Ireland, in the possession of protestants and romanists, are in the proportion of fifty to one in favour of the protestants: but when the bill in 1793 passed, qualifying romanists to vote for representatives in parliament, the protestant landlords almost universally changed the tenures of their popish tenants, which before were for terms of years, into freehold leases; vainly imagining, that they would always retain influence enough with their Romish tenantry to command their votes at elections. Little did they consider the all-ruling authority of Romish bigotry over its votaries, as many of them found to their great disappointment at the general election, which first succeeded the year 1793. One gentleman of large landed property, and a representative of a county, informed me, that he and his colleague had every reasonable expectation, from their great landed interest in the county, of being returned members for it without any contest or expense: but a gentleman of very insignificant landed property in the county, unexpectedly declared himself a candidate, and went round to all the Romish chapels, soliciting the votes of the romanists in the county, and promising, if elected, to support all their pretensions in parliament. On this occasion the Romish tenants of the gentleman who gave me the information, made freeholders by himself, universally deserted him, and promised their votes to the new candidate; and the Romish priests through the county so effectually bestirred themselves with their votaries in support of the new candidate, that my friend and his colleague were obliged to give a large sum of money to this adventurer to induce him to abandon the canvass, and thereby to save themselves from the fatigue and expense of a contested election. Certain it is, that the whole body of the Romish peasantry, who by the folly and credulity of their landlords have been made freeholders since the year 1793, will desert their interest on every election, when told by their priests that it is for the interest of their religion that they should do so. In the last Irish rebellion, the popish peasantry pursued their landlords (most of them very indulgent to their tenants, and from their attachment to romanists entitled men of liberality) with the utmost fury and rancour, massacreing them and their families without mercy, when they fell into their hands. Such has been the frenzy of the protestant landlords of Ireland, and their ambition of surpassing each other in county interest, that they have made almost the whole mass of the popish peasantry forty-shilling freeholders since the year 1793; so that the Romish freeholders of that description exceed in number the protestant freeholders of every description, throughout three parts in four of Ireland: and if this measure shall take effect, romanists will be returned members of parliament for most of the counties at large, counties of towns, and pot-wallopping boroughs throughout Ireland: and the principle of representation in the British constitution, that property should be the basis of representation, will be completely reversed in Ireland, and the basis there will be numbers, not property.—But even in respect of property, the influence of popery will be daily advancing in Ireland, because, in a commercial country, land is as often at market, and changes hands, as personal property; and landed as well as personal property will, in a slow but certain progression, creep to that class of the population which is the most numerous. From the foregoing observations it is a just conclusion, that in a very short time, if this measure is effected, eighty at least out of the hundred Irish representatives will be romanists; and it is fair to conjecture, that twenty or more romanists will obtain seats in the imperial commons for English boroughs, as the whole Romish faction throughout the empire will exert their powers to strengthen their party in parliament; and some Romish peers will sit in the upper house. The romanists will certainly act in parliament as one body; their union, cemented by religious principle, and the interest of their sect, will smother every seed of dissension among them: all allurements of individual interest will fail of effect, when put in competition with the interests of their religion; their bigotry will bind them together in adamantine bonds; and what their conduct in the supreme legislative council of the empire will be, it is not hard to divine.—The first measure they will unanimously propose, and with unremitting efforts pursue and support, will be the repeal of so much of the Irish act of 1793, conferring on them the elective franchise, as continues the disability of romanists without taking the oaths, to fill about thirty or forty of the great offices of the state, in the departments of which is lodged the executive power of the government. By the incessant intrigues in Ireland of the English ministry, the test and corporation acts had been repealed in that part of the empire previous to the union, with the exception of the above-mentioned great offices of the state: these are the offices of lord lieutenant, of lord chancellor, of the twelve judges, of the commander in chief of the army, of the king's counsel, of sheriffs, and a few others. If the minister of the day, at a future critical period, should oppose, or decline to support such a measure, the whole corps will immediately join the opposition; and the opposition, to secure the assistance of such numerous auxiliaries, will heartily fraternize with them. In many cases of national distress and difficulty, the ablest minister, though adverse to their claims, will be unable to stem the torrent; and the part of the test and corporation acts, yet in force in Ireland, will not survive the admission of romanists into parliament for many sessions. When the capability of romanists of filling these great offices in Ireland is once established, will it be practicable to exclude them from occupying them? Certainly it will not. Their dissatisfaction at such exclusion would be greater than at their former disqualification. The great majority of the Irish representatives in the imperial parliament being romanists, aided by the English romanists, and indissolubly connected, would wring from the minister the whole civil patronage in Ireland, and secure all the offices there for their own sect: in fact, the civil establishment in Ireland would become completely Romish.—Would the Romish representatives in parliament then be contented? Would their clergy in Ireland, and the mass of their persuasion, acquiesce without murmur in the enjoyment of the ecclesiastical revenues in lands and tithes by the protestant clergy? Would they not immediately grasp at them? If the whole executive power of the state there be committed to romanists; if the lord lieutenant, the lord chancellor, the judges, sheriffs, and all the administrators of the law in that nation should be romanists; who would warrant the enjoyment of the ecclesiastical revenues there to the protestant clergy, or maintain their possession of them? The minister himself would not be able to secure the laws entitling the protestant clergy to these emoluments from alteration and repeal, if the great body of the Irish representation in parliament demanded such a sacrifice, which it would not fail to do. The utter subversion in Ireland of the church establishment would follow on the heels of the subversion of the civil, and Ireland would immediately become a popish country.—But would the ambition of the Romish faction in the imperial parliament stop here? Certainly it would not. The tenets of popery enjoin continual exertions for its propagation, support, and aggrandizement; and every romanist would beside have the additional spur of particular interest and ambition, to stimulate him to further exertions on behalf of the sect. The test and corporation acts, being in full force in England, would oppose effectual barriers against the attainment of offices of profit and power in England by romanists. They would observe, that Scotchmen, by the weight of Scottish representation in the imperial parliament, much lighter than that of Irish and Romish representation, had obtained such offices in England, though they had almost engrossed all places of emolument or power in Scotland: they would also observe, that British and Irish protestants were capable of enjoying offices in Ireland; but that British and Irish romanists were excluded from all offices of emolument or power in England by the test and corporation acts: they would then loudly complain of this inequality of condition with their fellow-citizens in the British empire, and state that they were excluded from such offices in four-fifth parts of the British empire, and admitted only to the full privileges of citizens in the one-fifth, without having any exclusive privilege even in this one-fifth. If the minister of the day stood in need of their assistance in parliament, as he often would, he must listen to such complaints, and listen with attention and favour: circumstances might compel him to join them in their efforts to repeal the test and corporation acts; and if he should determine to support these remaining bulwarks of the constitution, they would join the whole herd of republicans, who have so often reprobated these statutes, and attempted their repeal. Two attempts of this nature, one in 1789, the other in 1790, must be in the recollection of many members of this house: it required all the abilities of the able minister, who at that time principally conducted the business of the nation, to defeat them. If the party which made these attempts shall be reinforced by above one hundred members, steady and determined in their hostility to these two statutes, who can answer for their continuance as part of the law of the empire for any length of time? They will undoubtedly yield to the incessant mining and continued assaults of a determined, vigilant, and insidious enemy, constantly recruited by the venomous offspring of infidelity, republicanism, and jacobinism: the constitution, in church and state, will infallibly sink under the combined pressure of such a chaotic mass of desolating innovation.—The attempt to obtrude this measure on the nation, is, in fact, but the rehearsal of the first act of the Gallic tragedy on the British stage. The introduction of members of all sects into the Gallic national assembly was followed immediately by the subversion, or rather extinction, of their national religion; and that by the complete subversion of their government, and the substitution of the most barbarous despotism which ever ravaged and deformed any region of the civilized world. Principiis obsta: let us firmly resist all approaches of the ferocious monster, Gallic anarchy!—Britons, it is necessary to call to your recollection, and set before your eyes, the statutes, the repeal of which must precede, or inevitably follow, the adoption of this measure; because such display will convince you, that this measure and its consequences directly tend to the complete subversion of your constitution, which has been improving from the commencement of the reign of the glorious Elizabeth, till its attainment of its present unrivalled excellence! under which you and your ancestors for two centuries have lived and flourished; and which has descended as an inheritance, during that period, in succession from father to son!—The statute of the first of Elizabeth, enacting that all public officers shall take the oath of supremacy: that of the first of William and Mary, or the bill of rights, new-modelling the oath of supremacy, and extending the sphere of administration of that oath: the acts of the thirtieth of Charles II. ch. 2, and the first of George I. ch. 13, enacting, that no member shall sit or vote in either house of parliament, till he hath, in the presence of the house, taken the oaths of allegiance, supremacy, and abjuration, and repeated and subscribed the declaration: the act of the thirteenth of Charles II. called the test act requiring all public officers to take the above oaths, repeat and subscribe the declaration, and receive the sacrament of the Lord's Supper according to the usage of the church of England: and the act of the twenty-fifth of Charles II. ch. 2, called the corporation act, incapacitating all persons from being elected officers of any city or corporation, without their having within a twelvemonth previous to their election, received the Sacrament of the Lord's Supper according to the usage of the church of England; and also requiring them to take the above-mentioned oaths:—all these acts must be repealed! all the fortifications, erected for the safety and preservation of our constitution in church and state for two centuries must be levelled with the dust.—Judge Blackstone, an able and constitutional lawyer of modern days, states, that the acts of Charles II. and George I. requiring all members of both houses to take the oaths, and repeat and subscribe the declaration, were enacted to prevent crude innovations in religion and government. The test and corporation acts he styles the bulwarks of the constitution, and states, that they were enacted to secure the established church against perils from non-conformists of all denominations, among whom he particularly enumerates papists. (See Blackstone's Commentaries, vol. i. p. 158, and vol. iv. p. 57, 8vo. edit.)—It is now time to advert to the conditions of union between England and Scotland, and between Great Britain and Ireland, which relate to the church establishment; and to enquire whether the present measure can be be adopted consistently with the obligation of these conditions, and the preservation of the public faith.—In the act of union of England and Scotland, the fifth of Ann., ch. 8, two acts of the respective parliaments of England and Scotland, for the unalterable security of their respective church establishments, are recited: that of England being for effectually and unalterably securing the true protestant religion, professed and established by law in the church of England, and the doctrine, worship, discipline, and government thereof. The English acts of uniformity of Elizabeth and Charles II. and all other acts then in force (among the rest, the thirtieth of Charles II. before-mentioned), for the preservation of the church of England are declared perpetual: and it is enacted, that every subsequent king and queen shall take an oath inviolably to maintain the same within England, Ireland, Wales, and the town of Berwick upon Tweed. And it is further enacted, that these two acts shall for ever be observed as fundamental and essential conditions of the union. On these conditions of the treaty of union judge Blackstone makes these observations: "that whatever else may be deemed fundamental and essential conditions, the preservation of the two churches of England and Scotland, in the same state they were in at the time of the union, is expressly declared so to be; and that therefore any alterations in the constitutions of either of these churches, would be an infringement of these fundamental and essential conditions." The fifth article of the union of Great-Britain and Ireland is in the following terms: "that it be the fifth article of union, that the churches of England and Ireland, as now by law established, be united into one protestant episcopal church, to be called the United Church of England and Ireland; and that the doctrine, worship, discipline, and government of the said united church shall be and shall remain in full force for ever, as the same are now by law established for the church of England; and that the continuance and preservation of the said united church, as the established church of England and Ireland, shall be deemed and taken to be an essential and fundamental part of the union: and that in like manner the doctrine, worship, discipline, and government of the church of Scotland shall remain, and be preserved, as the same are now established by law, and by the act of the union of the two kingdoms of England and Scotland."—It is clear that every measure tending to the breach of these fundamental and essential conditions of the two unions ought to be rejected by this house with indignation: the very proposal of such a measure to this house is an insult to it; as it must be founded on the presumption, that this house is capable of violating the public faith reciprocally plighted by the nations composing the British empire to each other, on their consolidation into one body. If this measure should be adopted, the act of the 30th of Charles II. requiring all members of both houses to take the oath of supremacy, and repeat and subscribe the declaration, will be repealed by its adoption, as well as the bill of rights and the test and corporation acts: these are made perpetual by the conditions of the union of England and Scotland, being enacted for the preservation and continuance of the church of England; and, as Judge Blackstone expresses it, for the prevention of crude innovations in religion and government. Exclusive of this direct breach of the conditions of the union, it is already shewn, that the whole tendency of the measure, and its notorious consequencss, are, the subversion of the established church in Great-Britain and Ireland, in violation of the public faith plighted on the completion of two incorporating unions; the introduction of infidelity and atheism, by the annihilation of all the bonds of society springing from an established religion: and the consequent introduction of anarchy and democracy — the true reason (however disguised under the mask of liberality) why this desolating, faithless, Gallic measure has met the approbation, and acquired the patronage and support of all the jacobins in the British empire.—It is some consolation to reflect that the subjects of this empire, attached to the constitution, have yet one barrier left to resist that inundation of impiety, democracy, and barbarity, with which this measure is calculated to overwhelm it: that is, his majesty's coronation oath; a barrier, I am convinced, sufficient to defend us, during the precious life at least, of the pious and conscientious prince who now sways the British sceptre; a barrier raised by the wisdom, piety, and patriotism of our forefathers.——The oath enjoined by the statute of the first of William and Mary, to be taken by the king at his coronation, has the following clause: "I will to the utmost of my power maintain the laws of God, the true profession of the Gospel, and the protestant reformed religion established by law." By the act of Anne ratifying the union of England and Scotland, as is already stated, it is enacted, "that two acts of the respective parliaments of England and Scotland, for the unalterable security of their respective church establishments therein-recited, shall be perpetual;" and in both of these recited acts, an addition is made to the coronation oath; and it is enacted, "that the succeeding kings of Great-Britain shall, at their coronations, swear to maintain and preserve inviolably the settlement of the church of England, as specified in that statute, for the unalterable security of the church of England, and the doctrine, worship, discipline, and government thereof, as in that act specified, within the kingdoms of England and Ireland, the dominion of Wales, and the town of Berwick upon Tweed, and the territories thereunto belonging." A similar oath is prescribed to be taken at the coronation by all succeeding kings, for the inviolable preservation of the then established religion in Scotland. The coronation oath not only binds the king to refuse his assent to any alteration in the religions of England, Ireland, and Scotland, as they were established at the time of the union of England and Scotland, but he is equally bound to refuse his assent to any measure, directly tending to the subversion of the religion then established; and also to discountenance, as far as in him lies, all attempts of that nature.—The patrons of this measure, sensible of this impediment, have not been wanting in their endeavours, by sophistical arguments, casuistical distinctions, misrepresentations of some facts, suppression of others, and suggestion of falsehoods, in pamphlets and newspapers, to sap the foundation of this barrier, which they were unable to surmount. One pamphlet of this nature deserves particular notice, inasmuch as it is an epitome of all the arguments against the obligation of the coronation oath; and is launched into the world under the name of a gentleman, whom I understand to be a person of some reputation, as a lawyer or conveyancer, and of the Roman catholic persuasion. It is entitled, "A Letter to a Nobleman on the proposed Repeal of the penal Laws which now remain in force against the Irish Roman Catholics, from Charles Butler, Esq. of Lincoln's Inn, Author of the Notes and Annotations on Coke on Littleton." This pamphlet, after stating, that the author is less acquainted with the Irish popery laws than with the English (which is indeed sufficiently manifested by its contents), proceeds to give what it styles an outline of them; but in truth it is an odious, monstrous, and detestable caricatura of the provisions and effects of the Irish popery acts of the 2d and 8th of Queen Anne.

The whole scope of these two wise and provident statutes was to prevent romanists from acquiring landed property in Ireland, their antecedent rebellions and barbarous massacres of the protestants of Ireland having rendered such a prohibition at that time not only expedient, but absolutely necessary. The pamphlet admits, that these acts are now repealed, but the caricatura is inserted by way of ornament to the subsequent argument against the obligation of the coronation oath, the main drift of the pamphlet. The pamphlet then praises the loyalty of the Irish romanists in the course of the war; and states that five of the directors of the united Irish only one was a romanist; but it should at the same time have stated, as the truth is, that the other four were desperate jacobins and infidels, with which species of people the Irish rebels had closely connected themselves; and that nearly the whole mass of Irish traitors which broke out into open rebellion in the year 1798 were romanists, not one in five hundred of them being of any other religious persuasion; and that they massacred in cold blood all the protestants, men, women, and children, who fell into their hands; giving no other reason for their barbarity, than that the victims were protestants and heretics. It appears from some passages in the pamphlet, that it was written and published since the year 1798. In that year burst forth the last rebellion of the Irish romanists, and the barbarous massacre of their protestant countrymen. The reports of the committees of the English and Irish houses of commons have been some years published: the conspiracy for rebellion, and the dreadful and dangerous mutiny of the Irish romanists in the British fleet, are fully exposed in these reports; yet the author of the pamphlet has the confidence to praise the loyalty of the Irish romanists, and to state, that in the late invasions of Ireland, none were more active in repelling the invaders, and that among the men of influence and property, who were engaged in the rebellion, three catholics cannot be mentioned. There was but one invasion of Ireland during the last war, and conducted by Humbert, at the head of one thousand French troops. He landed in a part of Ireland, in which the bulk of the inhabitants were romanists, who joined him in a mass on his landing; at his first encounter with the king's troops, the greater part of a regiment of Irish militia, all romanists, deserted to him; all the romanists of influence or property within the districts adjacent to his quarters, joined him. What then could induce the author to praise the loyalty of the Irish romanists? He states, that if the Irish romanists did not flock to the standard of Britain, frightful indeed would be the solitude of her camps and her fleets. Poor Britain! Irish romanists, according to this pamphlet, are your only defenders! The author means to insinuate, that all the Irish serving in the British fleets and armies are romanists, whereas not one half of them are so. And it is certain, that the protestants of Great Britain and Ireland would furnish sufficient armies and fleets, if romanists were entirely excluded. Since the mutiny in the fleet, the recruiting officers for some time refused to enlist any Irish romanists for the marine service. The degree of merit of a Romish common soldier, serving under protestant officers in an army, nine-tenths of the common soldiers of which are protestants, in countries remote from his native land, removed from the baneful influence of his priests, and subject to military discipline, is so minute, that its value is not easily appreciated. He enlists for the bounty; he is paid for, and obliged to perform his allotted service. The author of the pamphlet either did or did not know of the already mentioned rebellion and mutiny, when he published his praises of the loyalty of the Irish romanists: in the first case, he seems to be deficient in candour; in the other, in information. The pamphlet then states, that the Roman catholics acknowledge the spiritual supremacy of the pope, but to a man deny his right to temporal power. It can be hardly supposed, that the author, if he be a lawyer, can be ignorant, that the wisest and most sagacious statesmen and legislators cannot separate a vast portion of temporal influence, authority, and power, from the supremacy in spirituals; their adhesion is indissoluble, they must for ever accompany each other.—It is now time to advert to the principal argument in the pamphlet, that the king is not by his coronation oath bound to resist the adoption of the present measure: this the author rests on the clause in that oath, which binds his majesty "to govern the people according to the statutes in parliament agreed on, and the laws and customs of the realm." The author then gives a mutilated extract from the next clause, to wit, that his majesty swears "to maintain the protestant reformed religion established by law;" [for coronation oath, as settled by the act of 1st William and Mary, see Blackstone's Commentaries, octavo edit. 1st vol. page 228, 229]; and adverts only to the coronation oath as settled by the 1st of William and Mary, without at all adverting to the additions made to that oath by 5th of Anne, or the act of union between England and Scotland. He then draws the following conclusion from these garbled premises, that the last clause can only mean the protestant reformed religion, as from time to time, under the legislation of parliament, it should be the church establishment of the country: that, as to the constitutional interpretation of the clause, it would be absurd in the extreme, unconstitutional, and perhaps even treasonable, to contend that the last clause precludes his majesty from concurring with both houses of parliament in any legislative act whatsoever; and even if it did preclude him from such a concurrence, it would be no objection to his repealing the laws remaining in force against the Irish romanists, as the repeal of them will not interfere with the legal establishment of the church, with any part of the hierarchy, or with any of its temporal or spiritual rights and privileges. I have already remarked the disingenuity of the author of the pamphlet in respect to his garbled quotations of the coronation oath, and his total omission of the additions made to it, by the act of union of England and Scotland, by which the king is obliged to swear at his coronation, to maintain and preserve inviolably the church of England, the act of uniformity, and all acts in force at the time of that union, for the perpetual preservation of the church of England in its doctrine, worship, discipline, and government (the act already mentioned of the 30th of Charles II. among the rest, whereby all members of both houses of parliament are bound to take the oaths previous to their sitting or voting in the houses), as it stood at the time of the union of England and Scotland, and consequently not to make or consent to the making any alteration in its doctrine, worship, discipline, and government, as it then stood. But the first deduction of the author from the clauses in the coronation oath, as partially quoted by him, that they can only mean, the protestant reformed religion, as from time to time, under the legislation of parliament, it should be the church establishment of the country, is founded on a sophism, to wit, the fraudulent assumption, that bills depending in parliament, and which have, perhaps, passed the two houses, are acts of parliament or statutes. The king, by his coronation oath, is bound to govern his people according to the statutes in parliament agreed on (that is, agreed on by king, lords, and commons, the king in his legislative capacity being an integral part of the parliament), but not according to bills depending in parliament, and which may perhaps have been agreed on by a majority of the members of the two houses of parliament; for such bills are not laws nor statutes, nor in any manner binding on prince or people, till they have been agreed to by the monarch, and received the royal assent, without which they become waste paper.—It is sincerely to be hoped, that there will be such harmony always subsisting between the king and both houses of parliament, that no bill will be ever offered to his majesty for his assent, which he shall deem it expedient to reject; especially such bills, as he is bound by his coronation oath, and by the express conditions of the two unions consolidating the British empire, to reject. But I cannot agree with the doctrine of some bold innovators on the British constitution, who have asserted, that the king is bound to assent to every bill which has passed through the two houses of parliament. Such doctrine is, in my opinion (to use the words of the author of the pamphlet), absurd in the extreme, unconstitutional, and perhaps even treasonable; as it teaches, that the king in his legislative capacity is a mere cypher. If (which God forbid!) the two houses of parliament should pass a bill containing clauses in direct contradiction to his majesty's coronation oath, and in violation of the articles of the two incorporating unions of England and Scotland, and of Great Britain and Ireland, and tender such a bill to his majesty for the royal assent, who will assert that his majesty is bound to give that assent in violation of his coronation oath, and the public faith? Such a crisis I have the firmest hope will never happen; if it should, I have no difficulty in asserting, that the king is bound by every principle of religion, and by every true principle of the constitution, to refuse his assent; though by such assertion, I incur the guilt of treason in the opinion of the Annotator on Coke on Littleton! I acknowledge no power, in either or both houses of parliament, of dispensing with the obligation of lawful, positive, solemn oaths. I will not admit, that any man, or body of men, on the face of the earth, is invested with such a power. King James II. was chased from his throne for attempting to dispense with the laws of the land;

what punishment is too great for those who would attempt to dispense with the laws of God? Leave such doctrine to romanists and the court of Rome! it is not a protestant doctrine!—It may not be improper to observe here, that in the purest æra of the constitution in the reign of William III. the royal assent to bills which had passed both houses of parliament has been more than once refused by the sovereign. In 1693, that king refused his assent to a bill to render all members of the house of commons incapable of places of trust and profit: the commons, in their resolution on that occasion, state that the royal assent had been refused to several public bills, and by that king in particular. [Harris's Life of William III. page 398.—William refused his assent, in 1695, to another bill for the further regulation of elections of members to serve in parliament, Ibid. p. 437.—See also Commons' Journals.]—The author of the pamphlet asserts, that the repeal of all the laws complained of by romanists would not interfere with the church establishment, or with any of its temporal rights and privileges. I trust it has been already proved, that though the present measure, if adopted, would not be immediately attended by the subversion of the present church establishment, yet the subversion of that, as well as of the civil establishment, would be the certain, and not very remote consequence of such adoption.—The author of the pamphlet then puts the following query: "What system of casuistry made it lawful for his majesty to assent to the repeal of the large proportion of penal laws, repealed by the acts of 1782, 1788, and 1793, and now makes it unlawful for him to assent to the repeal of the small proportion of those laws yet remaining unrepealed; or, that made it lawful for him to sanction a partial repeal of the test act in 1782, and makes it unlawful for him to sanction a total repeal of it in 1801?" To this question it is answered, that the repeal of the parts of the popery code (which the pamphlet styles penal laws, but which are, in fact, remedial laws only) at the periods mentioned, does not confer any very considerable portion of political power on the Romish sect even in Ireland; and the repeal cannot be followed by consequences subversive of the constitution in church and state; and therefore his majesty might give the royal assent to such repeal consistently with the obligations of his coronation oath. The partial repeal of the test act exempts romanists in Ireland from the necessity of taking the oath of supremacy, and receiving the sacrament, on their appointment to places, and becoming members of corporations; but all places in the department of which the executive power and authority of the state are lodged, and all offices in corporations, are yet reserved and excepted from their grasp, unless they perform the usual requisites of all others his majesty's subjects on their attainment of such places and offices. The author of the pamphlet is desirous that these reservations and exceptions should be repealed, and styles them a small proportion of the popery code yet remaining: it may be admitted, that they are small in bulk, but very great, indeed, they are in importance. On the continuance and perpetuity of them depend the continuance and perpetuity of the constitution in church and state. Are these matters of trifling moment? What commandant of a strong and important fortress, the chief defence of a kingdom, would be justified in the surrender of it to a cruel, merciless, and unrelenting enemy, because it was deemed advisable, for the better defence of the place, to slight some weak and unimportant outwork, and permit the foe to possess themselves of it?—The author, after the preceding train of reasoning, seems to abandon it all for the purpose of introducing one conclusive argument against the obligation of the coronation oath, which he deems irrefragable. "All this discussion," says he, "is superfluous;—the coronation oath was fixed in Ireland by the first of William and Mary; at that time Roman catholic peers had their seats, and voted in the house of lords; Roman catholic commoners were eligible to the house of commons; and all civil and military offices were open to Roman catholics: they were deprived of these rights by the acts of the 3d and 4th of William and Mary, and the 1st and 2d of queen Anne. Now the coronation oath can only refer to the system of law which was in force when the act which prescribed it was passed; but the Irish laws meant to be repealed are subsequent to that act; to these laws therefore, or to any similar laws, the coronation oath cannot be referred."—Before I expose the absolute errors in fact in the premises from which the author deduces his conclusion, I will examine the justice of the conclusion, supposing the premises to be true. The coronation oath of the 1st of William and Mary binds the king "to the utmost of his power to maintain the laws of God, the true profession of the Gospel, and the protestant reformed religion established by law." Shortly after the accession of William and Mary, it was deemed necessary to add further fortifications to the established religion by statute in Ireland. The test and corporation acts passed in England in the reign of Charles II. and in the 30th year of the same king's reign, the act passed enjoining the taking the oath of supremacy, and repeating and subscribing the declaration, by all members of both houses of parliament, previous to their sitting or voting in either house: by the coronation oath, as settled by the 1st of William and Mary, the king swears, that he will to the utmost of his power maintain the protestant reformed religion established by law; the obligation of this oath extends to Ireland, so that he is bound to the utmost of his power to maintain it in Ireland, as well as in England, as then established in England by law; and all the barriers for its support erected in England previous to the 1st of William and Mary. The English parliament in the 3d and 4th of William and Mary passed an act enjoining all members of both houses of parliament in Ireland to take the oath of supremacy, and repeat and subscribe the declaration, the parliament of England at that time exercising the power of binding Ireland by its acts; not for the purpose of making any addition to, or alteration in the protestant religion established by law in that kingdom, but to give that establishment an additional security. How then does it follow from the premises laid down by the author of the pamphlet, that his present majesty or any future king of Great Britain and Ireland, having taken the aforesaid coronation oath of the 1st of William and Mary, can, consistently with that oath, consent to the repeal of the aforesaid English statute of the 30th of Charles II. or the above-mentioned statute of the 3d and 4th of William and Mary? His present majesty swore to maintain to the utmost of his power the church established by law in England and Ireland, as he found it established by law, at the time of his accession, and not as it was established by law in the 1st of William and Mary; though in fact it is the very same church, which was established by law in England and Ireland at that time, and which has received an additional barrier in Ireland since, by the enaction of the said English statute of the 3d and 4th of William and Mary for that country. I apprehend I have taken up too much time in refuting this absurd argument, and shall only further observe, that it is not creditable to an Annotator on Coke on Littleton to support the cause of his party by the quibbling of special pleading.—It is necessary however to make a few remarks on what the author has adduced as facts to support his argument. He states that the coronation oath was fixed in Ireland by the 1st of William and Mary; true it is, it was fixed as well for England as Ireland, by the English statute of the 1st of William and Mary; but the author has totally omitted to state the additions to the coronation oath introduced by the act of union of England and Scotland, the 5th of Anne. By this act the king is obliged at his coronation to "swear (as is already noticed) to maintain and preserve invoilably the settlement of the church of England, as specified in that statute, for the unalterable security of that church, and the doctrine, worship, discipline, and government thereof, as in that statute specified, within the kingdoms of England and Ireland, and the town of Berwick upon Tweed." The statute particularly specifies, that the act of uniformity, and all other acts for the perpetual preservation of the church of England (among which are the aforesaid English act of the 30th of Charles II. enacted for Ireland in the 3d and 4th of William and Mary, and the test and corporation acts), shall be unalterable and perpetual. The author was either ignorant of these additions to the coronation oath, or designedly omitted them: if inserted, they would have completely overturned his quibbling argument, that the king is not bound by his coronation oath, to resist the repeal of any law for the support of the established church, which was not a law at the time the coronation oath was fixed; for the aforesaid additions were made to the coronation oath by the 5th of Anne, many years subsequent to the 3d and 4th of Wm. and Mary, and also subsequent to the 1st and 2d of Anne; by which acts, he states, that romanists were deprived of their rights to seats and votes in the houses of lords and commons in Ireland. He admits also, that the coronation oath refers to that system of law which was in force, when the acts which prescribed it were passed; that is, that the king cannot conscientiously consent to the repeal of any of the acts for the perpetual security of the established church which had passed previously to the fixing of the coronation oath: that oath was ultimately fixed by the 5th of Anne; and therefore of the author's own shewing, the king cannot conscientiously consent to the repeal of the 3d and 4th of William and Mary, or to that of the 1st and 2d of Anne, so far as they enjoin the taking of the oath of supremacy and the repetition and subscription of the declaration by all members previous to their sitting and voting in either of the houses.—The author states, that at the accession of William and Mary, Roman catholic peers had their seats, and voted in the house of lords; Roman catholic commoners were eligible to the house of commons; and all civil and military offices were open to Roman catholics. In respect to Roman catholic peers, I am not sufficiently conversant in the journals of the Irish house of lords to ascertain, whether Romish peers were, or were not, excluded from seats or votes in that house, unless they took the oath of supremacy, previous to the 3d and 4th of William and Mary; they certainly were not so excluded by any Irish statute: but very few such Irish peers could have sat in parliament in Ireland, from the restoration to the 3d and 4th of William and Mary (excepting in the Romish mob assembled in Dublin by King James II. after his abdication, and by him and themselves styled a parliament); for the Romish peerage in Ireland was not numerous previous to the year 1641; and almost the whole of them were attainted as traitors, having joined in that wicked Romish rebellion, and massacre of the Irish protestants, which broke out and commenced in the year 1641; and the remainder for their rebellion in 1689, 1690, and 1691. The author displays much artifice in his assertion respecting Romish commoners: he states that previous to the accession of William and Mary, and till the 3d and 4th years of their reign, they were eligible to seats in parliament; they certainly were so, and are so still, and may occupy these seats, and vote in the house of commons, provided they will take the oaths prescribed to be taken, not by them particularly, but by all his majesty's subjects sitting and voting in the house of commons: but the idea the author means to convey to his readers is, that romanists, antecedent to the 1st of William and Mary, were capable of occupying seats in the Irish house of commons, and did sit therein, without taking any oaths whatsoever, particularly the oath of supremacy. This, is a gross misstatement. By a resolution of the Irish house of commons in the year 1642, [see the Journals of the Irish house of commons, vol. i. page 434, page 568. Vol. ii. page 443.] all the members were obliged to take the oath of supremacy, or to vacate their seats. By another resolution of the Irish house of commons in the year 1661, all the members were obliged to take the oath of supremacy and the oath of allegiance of the 3d of James I. and receive the sacrament according to the usage of the church established, or to vacate their seats. The commons in the first parliament assembled in Ireland after the accession of William and Mary, in the 3d and 4th year of their reign, immediately on their meeting, and before they proceeded to any business whatsoever, took the oaths of supremacy, allegiance, and repeated and subscribed the declaration, deeming the resolutions of the commons before-mentioned, and the English act of the 30th of Charles II. imperative upon them: so that the idea that any member could sit in the Irish house of commons at all times previous to the accession of William and Mary, or to the third and fourth years of their reign, without taking the oath of supremacy; or that Irish romanists were, for the first time, abridged of that alleged right, by the English act of the 3d and 4th of William and Mary, is erroneous; they were, long before that period, abridged of it by the resolutions of the house of commons, warranted by the law of parliament, part of the law of the land, under which that house has claimed and exercised the power of judging of the qualifications of its own members.—The author's assertion, that all civil and military offices in Ireland were open to Roman catholics, previous to the accession of William and Mary, smells of the same artifice with his former assertion respecting the eligibility of romanists to be members of the house of commons: it is true that such offices were then open to romanists (as they now are), if they performed the acts required to be performed by all his majesty's subjects appointed to such offices; but what he means to insinuate is, that romanists, till the accession of William and Mary, and till the third and fourth years of their reign, might enjoy all such offices in Ireland, without taking the oaths, &c.; this assertion, in such sense is as groundless as any other in the pamphlet; for no person in Ireland could enjoy any such offices, without taking the oath of supremacy, as enjoined to be taken by the Irish act of the second of Elizabeth; by the universal rejection of which oath romanists disable themselves to hold or enjoy such offices. The cautious, artificial manner in which the pamphlet attempts to convey to the reader, the periods of Romish exclusion from the houses of parliament, induces a belief, that the author, at the time of writing the pamphlet, was not ignorant of the resolutions of the Irish house of commons just mentioned, nor of the Irish act of the 2d of Elizabeth; and if he was not, what opinion must the public entertain of his candour!—The author cannot resort to the unlawful and riotous assembly convoked at Dublin, in the year 1689, by King James II. after his abdication, and by him honoured with the title of a parliament, in proof of his assertions; it consisted almost entirely of romanists, unlawfully elected, after he had destroyed all the protestant corporations, and driven out of the country, or into the protestant armies, almost the whole of the protestant nobility and gentry; and after he had himself ceased to be a king, and had therefore no power to convoke a parliament. By act of parliament in the reign of William and Mary, this mock parliament was declared to be an unlawful assembly, and all its acts and proceedings were condemned to the flames, and were publicly burned and destroyed accordingly.—I trust I have demonstrated to the house, that the doctrines, political, moral, and religious, contained in the petition, and stated to be the principles inculcated by the Roman catholic religion, are diametrically opposite to the principles taught and inculcated by the canons, decrees of general councils, by all writers, lay and cleric, of the greatest authority amongst the romanists, and adopted by the universal practice of their church from the date of the council of Lateran to the present day; and that their modern writers, such as Dr. Troy and Mr. Plowden assert, "that the religious principles of Roman catholics being unchangeable, they are applicable to all times; and that if any one says, or pretends to insinuate, that the modern Roman catholics differ in one iota from their ancestors, he either deceives himself or wishes to deceive others; and that *semper eadem* is emphatically descriptive of their religion."—It has been urged in this debate, that the establishment by the British government of the Roman catholic religion in Canada, furnishes a reason for establishing it in the remainder of the British empire, because it has not been productive of any bad effects there. It is rather premature to form any decided opinion of what effects may hereafter flow from such establishment; but even supposing that the effects of such establishment may hereafter be found to be prejudicial to the British government there, yet the establishment of it in Canada was a matter of necessity and not of choice; for Canada surrendered to the British arms upon express stipulated conditions; one of which was, that the Roman catholic religion, which was professed by that country before the conquest by the British arms, should be for ever preserved inviolate; and Britain ever faithful to her treaties, was thus obliged to establish the Roman catholic religion in that province. As to the fidelity of the Canadians during the American war, it may be accounted for also by necessity on their side: their communication with Europe is by the river St. Lawrence, which is open to navigation for six months in the year only; for the other six months it is blockaded by ice. Britain, in case of rebellion of the Canadians, could cut off all communication with Europe by a few ships stationed in the river St. Lawrence; and the Canadians cannot at present subsist without European commodities, and with these they could not be furnished from the United States without great difficulty and intolerable expense, besides infinite risk and hazard.—The hon. member who has introduced this motion, has argued in favour of the motion from the number of romanists in Ireland; and, to strengthen his argument, he has represented them, in the course of his speech, sometimes to amount to four millions, sometimes to three millions; but in the whole course of his reasoning he has never mentioned the Irish protestants, but has endeavoured to impress on the members of this house, unacquainted with Ireland, that all its inhabitants, with a few trifling exceptions, are romanists. To expose the errors of the hon. gentleman in this particular, it is necessary to state, that a calculation of the number of the inhabitants of Ireland was made in the year 1692, after the revolution war, and that they then amounted to one million two hundred thousand only. Another calculation was made in the year 1731, as Dr. Burke, Romish titular bishop of Ossory, has informed us, in his Hibernia Dominicana; and he states, that there were then found to be in Ireland seven hundred thousand four hundred and fifty-three protestants, and one million three hundred and nine thousand seven hundred and sixty-eight romanists; so that in 1731 the romanists of Ireland did not exceed the protestants in the proportion of two to one. Dr. Burke published his book in 1762, and he makes bitter complaints, that the proportion of the inhabitants of Ireland had increased greatly on the protestant side in the interval between 1731 and 1762: it may from hence be fairly deduced, that the romanists of Ireland are not, at this day, in the proportion of two to one to the protestants of Ireland. From the best calculations lately made, it appears that the whole inhabitants of Ireland do not now exceed three millions; and it may be fairly deduced, that one million two hundred thousand of these are protestants, the persons so much contemned by the hon. mover, that when speaking of the inhabitants of Ireland, he does not even condescend to mention them; and if all the inhabitants of the British islands amount to sixteen millions, then the romanists do not exceed one-eighth part of that population. It is notorious, that the Romish inhabitants of Ireland do not possess one-fortieth part of the real and personal property of that country, nor one-thousandth part of the property of the united kingdom: in fact they compose the mob and the beggary of Ireland, and are not of consequence enough, either in numbers, wealth, or power, to demand (as this petition does) the subversion of the constitution in church and state, and the destruction of the protestants of Ireland, for their gratification.—There is an argument advanced in the petition for the grant of the representative franchise to romanists, from the elective franchise being conceded to them in Ireland. I trust that I have already shewn to this house, that the grant of the representative franchise to romanists would be attended by the subversion of the constitution in church and state; and that therefore their enjoyment of the elective franchise is so far from being an argument for conceding to them the representative franchise, that their demand of the representative franchise, grounded upon their enjoyment of the elective franchise, is a strong and powerful argument for depriving them of the elective franchise: because, by their mode of argument, the enjoyment of the elective franchise entitles them to a privilege which would be subversive of the constitution in church and state.—It is much safer for a Romish government, even a popular one, to admit protestants into places of trust and power, than for a protestant government to admit romanists; because protestants hold no doctrine as a point of faith hostile to the independence of the state of which they are subjects; but romanists do.—The plea, that the measure is necessary to reconcile a considerable share of our population to the government is absurd; for people who maintain, as a point of faith, that the state is subject to a foreign jurisdiction, and is not independent, can never be reconciled to the state till they renounce so anarchical and degrading a tenet; they must be always enemies to it; and giving them political power, is furnishing them with the means of overturning the constitution.—The mob, and the indigent part of the population of a state (as the romanists of Ireland), ought not to be gratified at the expense of the ruin of the loyal, opulent, and respectable part of the state. If the contrary conduct shall be pursued, agrarian laws and the system of equality must be adopted in every state; because the indigent in every state compose the bulk of the population, and are desirous of degrading and plundering the great and rich in every state, as well as in Ireland.—To sum up all the arguments against this measure, the laws enjoining the taking the oath of supremacy are not restrictive nor exclusive laws, in respect to any class of people in the community except to traitors, because it is merely an oath of allegiance to the state. No subject, refusing it, should be admitted to the functions of a legislator, or to any place of trust and power in the state. To use the words of a great minister of state, (Mr. Pitt) in the debate in 1790, on the attempt to repeal the test and corporation acts, "persons professing modes of belief which endanger the welfare of the society of which they are members, should be excluded from possessing the authority of the state; and here such line of exclusion should be drawn." The romanists in the British empire (but particularly in Ireland) enjoy a complete toleration and liberty of conscience. To use the words of the same great minister again on the same occasion; "Toleration consists in a free exercise of religion according to the tenets of the professors of that religion, and in the enjoyment of the protection of the laws; not in a communication of an equality of political power." And in combating the arguments made use of on that occasion he used the following expressions: "even papists, acknowledging the supremacy of a foreign ecclesiastical prince, must, by such arguments, be admitted to offices of power and trust." Indeed every argument he made use of on that occasion, can be used with signal strength and effect against the present measure.—The present measure, if adopted, would directly lead to the subversion of the constitution in church and state, and let in an universal deluge of atheism, infidelity, democracy, and anarchy. The repeal of the laws enjoining the taking the oath of supremacy, will be a constructive admission of the justice of the claim of the supremacy of the pope.—The adoption of this measure would be a violation of the conditions of the two unions of England and Scotland, and of Great-Britain and Ireland, and a notorious breach of the public faith.—The adoption of the measure would tend to a violation of the coronation oath; it cannot therefore be supposed that his majesty will ever agree to it: the tendering a bill to him for the royal assent, to carry this measure into effect, would be an insult to him.—For all these reasons I shall give my hearty negative to the motion.

Mr. *Grattan* rose and spoke as follows:—Sir, in offering to the house my sentiments upon this most important subject, I shall endeavour to avoid the example set me by the learned member who has just sat down. I shall deprecate all animosity on the one side or on the other. As the causes have ceased, I think all animosity arising out of those causes should also cease; and instead, therefore, of calumniating either party, I rise to defend both. I do not wish to revive in detail the memory of those rebellions to which the learned member has alluded.—The past troubles of Ireland, the rebellion of 1641, and the wars which followed, (said the hon. gent.) I do not wholly forget; but I only remember them to deprecate the example, and renounce the animosity. The penal code which went before, and followed those times, I remember also, but only enough to know that the cause and reasons for that code have totally expired; and as on one side the protestant should relinquish his animosity on account of the rebellion, so the catholics should relinquish their animosity on account of the laws. The question is not stated by the member: it is not whether you will keep in a state of disqualification a few Irish catholics, but whether you will keep in a state of langour and neutrality a fifth of your empire. Before you impose such a sentence on yourself, you will require better arguments than those which the member has advanced. He has substantially told you that the Irish catholic church, which is more independent than the catholic church here, is the worst in Europe; that the Irish catholics, our own kindred, conforming to our own terms, are the worst of papists; that the distinction, a distinction made by the law, propounded by ourselves, and essential to the state, between temporal and spiritual power, is a vain discrimination, that the Irish people, to be good catholics, must be bad subjects; and finally he has emphatically said, "that an Irish catholic never is, never was, or will be, a faithful subject to a British protestant king — they hate all protestants and all Englishmen." Thus has he pronounced against his country three curses: eternal war with one another, eternal war with England, and eternal peace with France; so strongly does he inculcate this, that if a catholic printer were in the time of invasion to publish his speech, that printer might be indicted for treason as the publisher of a composition administering to the catholics a stimulative to rise, and advancing the authority of their religion for rebellion. His speech consists of four parts, 1st, invective uttered against the religion of the catholics; 2dly, invective uttered against the present generation; 3dly, invective against the past, and 4thly, invective against the future: here the limits of creation interposed, and stopped the member. It is to defend those different generations and their religions, I rise; to rescue the catholics from his attack, and the protestants from his defence.—The civil interference of the pope, his assumed power of deposition, together with the supposed doctrine that no faith was to be kept with heretics, were the great objections to the claims of the catholics; to convict them the learned doctor has gone forth with a sinister zeal to collect his rueful materials; and behold! he returns laden with much comment, much doubtful text, much of executive decrees, and of such things as are become obsolete, because useless, and are little attended to, because very dull and very uninteresting, and wherein the learned gent. may for that reason take many little liberties in the way of misquotation, or the way of suppression. All these, the fruits of his unprofitable industry, he lays before you: very kindly and liberally he does it; but of this huge and tremendous collection you must reject a principal part, as having nothing to say to the question, namely, all that matter which belongs to the court of Rome, as distinct from the church; 2dly, of the remnant after that objection you must remove every thing that belongs to the church of Rome which is not doctrinal, and which is not confined to doctrine, regarding faith and moral, exclusive of, and unmixed with, any temporal matter whatever. After this correction you will have reduced this gentleman of the 15th century to two miserable canons, the only rewards of his labour, and result of his toil, both centuries before the reformation, and therefore not bearing on the protestants or the reformers. The first is a canon excommunicating persons who do not abide by a profession of faith contained in a preceding canon, which notably concludes with the following observation, that virgins and married women may make themselves agreeable to God. Now I cannot think such a canon can excite any grave impression or alarm in this house; passed 600 years ago, 300 years before the birth of the reformation, made by lay princes as well as ecclesiastics, and never acknowledged or noticed in these islands even in times of their popery. The other canon, that of Constance, goes to deny the force of a free passport or safe-conduct to heretics, given by temporal princes in bar of the proceedings of the church. Without going farther into that canon, it is sufficient to say that it is positively affirmed by the catholics, that this does not go farther than to assert the power of the church to enquire into heresy, notwithstanding any impediments from lay princes; and, farther, there is an authority for that interpretation, and in contradiction to the member's interpretation, not merely above his authority, by any that it is in his studies to produce; I mean that of Grotius, who mentions that the imputation cast on the catholics on account of that canon is unfounded. Here I stop, and submit that the member is in the state of a plaintiff, who cannot make out his case, notwithstanding his two canons: that he has failed most egregiously, and has no right to throw the other party on their defence: however, the catholics have gone, as far as relates to him, gratuitously into their case, and have not availed themselves of the imbecility of their opponents; and they have been enabled to produce on the subject of the above charges, the opinion of six universities, to whom those charges, in the shape of queries, have been submitted: Paris, Louvaine, Salamanca, Douay, Valladolid, Alcala. The universities have all answered, and have in their answers not only disclaimed the imputed doctrines, but disclaimed them with abhorrence. The catholics have not stopped here: they have drawn up a declaration of nine articles, renouncing the imputed doctrines, together with other doctrines or views objected to them. They have gone further, they have desired the protestants to name their own terms of abjuration; the protestants have done so, and here is the instrument of their compact; it is an oath framed by a protestant parliament, principally manufactured by the hon. member himself, in which the Irish catholics not only abjure the imputed doctrine, but are sworn to the state, and to the present establishment of the protestant church in Ireland, and to the present state of protestant property. This oath has been universally taken, and by this oath both parties are concluded, the catholics from resorting to the abjured doctrines, and the protestants from resorting to the abjured charge. Therefore, when the member imputes, as he has done, to the catholic the principles hereby abjured, it is not the catholic who breaks faith with him, but it is he who breaks faith with the catholic. He acts in violation of the instrument he himself formed, and is put down by his own authority. But the catholics have not only thus obtained a special acquittal from the charges made against them in this debate, they have obtained a general acquittal also.—The most powerful of their opponents, the late earl of Clare, writes as follows: "they who adhere to the church of Rome are good catholics, they who adhere to the court of Rome are traitors;" and he then quotes Lord Somers as his authority, in which he entirely acquiesces, and acknowledges their innocence in their adherence to the church of Rome as distinct from the court.—A test, such as I have already mentioned, is formed, abjuring the doctrine of the court of Rome, and reducing their religion to the church of Rome. This test, together with a number of other articles, is reduced to an oath, and this oath is introduced into an act of parliament, and this oath is taken universally. Here again are the opponents to the catholics concluded by their own concessions. By tendering an oath to catholics, they allow oath to be a test of sincerity; by framing that oath under the circumstances, they make it a test of pure catholicism; and, by their own arguments, they pronounce pure catholicism to be innoxious. But the hon. member has gone a little further than pronouncing the innocence of the catholics, he has pronounced the mischievous consequences of the laws that proscribe them; he has said in so many words that an Irish catholic never is, and never will be faithful to a British protestant king; he does not say every catholic, for then he would include the English catholics and those of Canada; nor does he say every Irishman must hate the king, for then he would include every protestant in Ireland. The cause of the hatred is not then in the religion nor in the soil — it must be then in the laws, in something which the protestant does not experience in Ireland, nor the catholics in any country but in Ireland; that is to say, in the penal code. That code then, according to him, has made the catholics enemies to the king: thus has he acquitted the catholics, and convicted the laws. This is not extraordinary, it is the natural progress of a blind and a great polemic. Such characters begin with a fatal candour, and then precipitate to a fatal extravagance, and are at once undermined by their candour, and exposed by their extravagance: so with the member, he hurries on he knows not where, utters he cares not what, and is equally negligent of the grounds of his assertions, and their necessary inferences. Thus when he thinks he is establishing his errors, unconsciously and unintentionally he promulgates truth; or rather, in the very tempest of his speech, Providence seems to govern his lips, so that they shall prove false to his purposes, and bear witness to his refutations. Interpret the gentleman literally, what blasphemies has he uttered? He has said that the catholic religion, abstracted as it is at present in Ireland from popery, and reduced as it is to mere catholicism, is so inconsistent with the duties of morality and allegiance, as to be a very great evil. Now, that religion is the christianity of two thirds of all Christendom; it follows then, according to the learned doctor, that the christian religion is in general a curse. He has added, that his own countrymen are not only depraved by religion, but rendered perverse by nativity; that is to say, according to him, blasted by their Creator, and damned by their Redeemer. In order, therefore, to restore the member to the character of a christian, we must renounce him as an advocate, and acknowledge that he has acquitted the catholics which he meant to condemn, and convicted the laws which he meant to defend.—But though the truth may be eviscerated from the whole of the member's statement, it is not to be discerned in the particular parts; and therefore it is not sufficient to refute his arguments, 'tis necessary to controvert his facts. The catholics of Ireland, he says, hate the protestants, hate the English, and hate the king. I must protest against the truth of this position; the laws, virulent as they were, and mitigated as for the last seventeen years they have been, the people better than the laws, never could have produced that mischief; against such a position I appeal to the conscious persuasion of every Irishman. We will put it to an issue: the present chief governor of Ireland is both an Englishman and the representative of English government; I will ask the hon. gentleman whether the Irish hate him? If I could believe this position, what could I think of the protestant ascendancy, and what must I think of the British connection and government, who have been for six hundred years in possession of the country with no other effect, according to this logic, than to make its inhabitants abhor you and your generation? But this position contains something more than a departure from fact; it says, "strike France; strike, Spain; the great body of the Irish are with you:" it does much more, it attempts to give them a provocation; it teaches you to hate them, and them to think so; and thus falsehood takes its chance of generating into a fatal and treasonable truth. The hon. gentleman having misrepresented the present generation, mistates the conduct of their ancestors, and sets forth the past rebellions as proceeding entirely from religion. I will follow him to those rebellions, and shew, beyond his power of contradiction, that religion was not, and that proscription was, the leading cause of those rebellions. The rebellion of 1641, or let me be controverted by any historian of authority, did not proceed from religion; it did proceed from the extermination of the inhabitants of eight counties in Ulster, and from the foreign and bigoted education of the catholic clergy, and not from religion. The rebellion of the pale (for it was totally distinct in period or cause from the other) did not proceed from religion; loss of the graces; they resembled your petition of right, except that they embraced articles for the security of property; disarmament of the catholics, expulsion of them in that disarmed state from Dublin; many other causes,—order for the execution of certain priests. You will not forget there was an order to banish their priests in James the First's time, and to shut up their chapels in Charles the First's. These were the causes. There was another cause: you were in rebellion, Scotland was in rebellion! There was another cause, the Irish government was in rebellion; they had taken their part with the republicans, and wished to draw into treason the Irish freeholders, that with the forfeiture of another's rebellion they might supply their own. I go back with concern to those times: I see much blood, no glory; but I have the consolation to find that the causes are not lodged in the religion or the soil, and that all of them but the proscriptive cause have vanished. I follow the member to another rebellion, the which should properly be called a civil war, not a rebellion; it proceeded from a combination of causes which exist no longer, and one of those causes was the abdicating king at the head of the catholics, and another cause was the violent proscription carried on against the catholics by the opposite and then prevailing party. These causes are now no more; or will the member say there is now an abdicating prince, or now a popish plot, or now a pretender? There are causes, most certainly, sufficient to alarm you, but very different, and such as can only be combated by a conviction that, as destinies are now disposed of, it is not the power of the catholics which can destroy, or the exclusion of the catholics which can save you. The conclusion I draw from the history above alluded to, is very different from that drawn by the member, and far more healing; conclusions to shew the evils arising from foreign connections on one side, and from domestic proscription on the other. If all the blood shed on these occasions; if the many fights in the first, and the signal battles in the second period, and the consequences of those battles to the defeated and the triumphant, to the slave that fled, and the slave that followed, shall teach our country the wisdom of conciliation, I congratulate her on those deluges of blood: if not, I submit, and lament her fate, and deplore her understanding, which would render not only the blessings of Providence, but its visitations fruitless, and transmit what was the curse of our fathers as the inheritance of our children.—The learned gentleman proceeds to mistate a period of 100 years, namely, the century that followed the revolution, and this he makes a period of open or concealed rebellions. The sources of his darkness and misinformation are to be found in history and revelation. Of his charges against that period he brings no proof; none of those on the same side with him can bring any. They heard from such a one, who heard from such a one: I neither believe them nor such a one, and I desire so many generations may not be convicted on evidence that would not be admitted against the vilest caitiff; and that against evidence by which that vilest caitiff would be acquitted, against the authority of four acts of parliament; the act of 1778, which declares their loyalty for a long series of years, that of 1782, that of 1792, and that of 1793; and farther against the declared sense of government, who, in the year 1762, proposed to raise four catholic regiments, because the catholics had proved their allegiance; and against the authority of the then Irish primate, who supported that measure, and in his speech on that subject, assigns as his reason, that, after his perusal of Mr. Murray's papers, nothing appeared against the Irish catholics of any connection whatsoever with the rebellion of that period. The member proceeds to the rebellion of 1798, and this he charges to the catholics; and against his charge I appeal to the committee of the Irish house of commons in 1797, in which it sets forth the rebel muster, containing 99,000 northerns enrolled in rebellion, and all the northern counties organised. At the time in which the committee of the house of commons states the rebellion of the north, the dispatches of government acknowledged the allegiance of the south. To those dispatches I appeal, written at the time of Hoche's projected invasion, and applauding the attachment and loyalty of the southern counties, and their exertions to assist the army on its march to Cork to oppose the landing of the French. If you ask how the rebellion spread, and involved the catholics, I will answer and tell you, that as long as the proscriptive system continues, there will be in our country a staminal weakness, rendering the distempers to which society is obnoxious, not only dangerous, but deadly. Every epidemic disease will bring the chronic distemper into action. It is the grapestone in the hand of death, which strikes with the force of a thunderbolt. If you have any apprehension on this account, the error is to be found in yourselves; in human policy, not in religion; in the fallibility of man, not of God. If you wish to strip rebellion of its hopes, France of her expectations, reform that policy; you will gain a victory over the enemy when you gain a conquest over yourselves. But I will for a moment accede to the member's statement against facts and history. what is his inference? during one hundred years of the proscriptive system, this state has been in imminent danger: therefore, adds he, continue the system; here is the regimen under which you have declined—persevere. But the member proceeds to observe, that you cannot hope to reconcile whom you cannot hope to satisfy; and he instances the repeal of the penal code. I deny the instances: the repeal in 1778 and 1782 did reconcile and did satisfy; and accordingly you will find that the Irish catholics in 1779, 1780, 1781, and 1782, were active and unanimous to repel the invasion threatened at that time, when the French rode in the Channel, and Ireland was left to the care of 6000 regulars, and was only defended from invasion by the spirit and loyalty of the catholics, in harmony and in arms with their protestant brethren. The repeal of a principal part of the penal code, in 1793, did not reconcile, and did not satisfy: it was because the Irish government of that time was an enemy to the repeal and to the catholics, and prevented the good effects of that measure. That government, in the summer of 1792, had sent instructions (I know the fact to be so) to the grand juries, to enter into resolutions against the claims of the catholics. Their leading minister opposed himself at one of the county meetings, and took a memorable post of hostility and publicity. When the petition of the catholics was recommended in the king's speech in 1793, the Irish minister answered the king, and with unmeasured severity attacked the petitioners. When the bill introduced in consequence of his majesty's recommendation was in progress, the same minister, with as unmeasured severity, attacked the bill, and repeated his severity against the catholics. When the same bill of reconciliation, in consequence of the recommendation and reference of the petition, was on its passage, the Irish government attempted to hang the leading men among the petitioners, and accordingly Mr. Bird and Mr. Hamil were by these orders indicted for a capital offence, I think it was defenderism; and so little ground was there for the charge that those men were triumphantly acquitted, and the witnesses of the crown so flagrantly perjured, that the judge, I have heard, recommended a prosecution. These were the causes why the repeal of 1793 did not satisfy; and in addition to these, because the Irish government took care that the catholics should receive no benefit; therefore opposing these with their known partisans and dependents in the corporation of Dublin, when they sought for the freedom of the city, seldom giving any office (there are very few instances in which they got any) in consequence of the act of parliament, and always attacking their characters from a court press; so that the aversion of the Irish government stood in the place of disqualification by law, and the hostility of the Irish minister succeeded to the hostility of statute. The catholics, some of them I know, thought so, and there are gentlemen now in parliament to whom they communicated their sentiments, that they would prefer their situation before the repeal of 1793, to the situation which followed; inasmuch as they experienced in the then Irish government a more deadly and more active enemy than before they had experienced in the law. I refer to the speeches delivered and published at the time by the ministers and servants of the Irish government, and persisted in and delivered since. There you will see an attack on all the proceedings of the Irish from the time of their address for free trade, such as were glorious as well as those that were intemperate; without discrimination or moderation: there you will see the Irish ministry engaged in a wretched squabble with the catholic committee, and that catholic committee replying on that ministry, and degrading it more than it had degraded itself; and you will further perceive the members of that ministry urging their charges against the members of that committee, to disqualify other catholics who were not of the committee, but opposed it: so that by their measures against the one part of the catholics, and their invective against the other, they take care to alienate, as far as in them lay, the whole body. The fact is, the project of conciliation in 1793, recommended in the speech from the throne, was defeated by the Irish cabinet, which was at that time on that subject in opposition, and being incensed at the British cabinet for the countenance afforded to the catholics, punished the latter, and sowed those seeds which afterwards, in conjunction with other causes, produced the rebellion.—I leave the member, and proceed to discuss the differences now remaining that discriminate his majesty's subjects of the protestant and catholic persuasion. Before we consider how far we differ, it is necessary to examine how far we agree. We acknowledge the same God, the same Redeemer, the same consequences of redemption, the same Bible, and the same Testament. Agreeing in this, we cannot, as far as respects religion, quarrel about the remainder, because their merits as christians must in our opinion outweigh their demerits as catholics, and reduce our religious distinctions to a difference about the eucharist, the mass, and the Virgin Mary, matters which may form a difference of opinion, but not a division of interests.—The infidel under these circumstances would consider us as the same religionists, just as the French would consider you, and cut you down, as the same community. See whether we are not agreed a little farther, and united by statute, as well as religion. The preambles of three acts declare the catholics to be loyal subjects; the act of 1778 declares that they have been so for a series of years; the same act declares that they should be admitted into the blessings of the constitution; the act of 1793 goes farther, and admits them into a participation of those blessings. Thus is the principle of identification established by the law of the land, and thus are the catholics by that law proclaimed to be innocent, and the calumniators of the catholics guilty. Let us consider their situation under these laws, professedly and in principle admitted to every thing except seats in parliament, and certain offices of state; they are, in fact, excluded from every thing under the circumstances of paying for every thing; the few places they enjoy make no exception; they pay their proportion to the navy, and contribute one-third to its numbers, and have not a commission: they contribute to the expenses of the army, and to one-third of its numbers, and have not a commission: and shall I now be asked how are the catholics affected by this, or be told that the catholic body would not be served by the removal of this? How would the protestant body be affected, if only removed from the state, the parliament, the navy, and the army? In addition to this I am to add the many minor injuries done to the catholics in ways that must be felt, and cannot be calculated; the inestimable injury done to the catholic mind by precluding it from the objects of ambition, and to the catholic spirit by exposing it to the taunts and insults, (you cannot be at a loss for an instance), such as are uttered by the vilest of the protestants against the first of the catholics. I am to add the mischief done to the morals of the country by setting up a false standard of merit, by which men without religion, moral or public integrity, shall obtain, by an abhorrence of their fellow subjects, credit and consequence, and acquire an impunity for selling the whole community, because they detest a part of it. You see it is impossible for any one part of the society to afflict the other without paying the penalty, and feeling the consequences of its own policy in the re-action of its own bad passions on itself. I am to add the mischief done to the peace of the country, when the spirit of religious discord descends to the lower order of people, and the holiday becomes a riot: and when the petty magistrate turns chapman and dealer in politics, turns theologian and robber, makes for himself a situation in the country formed out of the monstrous lies he tells of his catholic neighbours, fabricates false panics of insurrection and invasion, then walks forth the man of blood, his creditors tremble, the French do not; and atrocities, which he dare not commit in his own name, perpetrates for the honour of his king, and in the name of his Maker. I have heard of the incivilisation of Ireland: too much has been said on that subject. I deny the fact; a country exporting above five millions, even at your official value, near about half a million of corn, three millions of linen, paying eight millions to the state, cannot be barbarous; a nation connected with you for six hundred years, what do you say? cannot be barbarous. If France should say so, you would contradict her, because it is not on Ireland, but on you, the reflection must fall. But if any thing, however, delays the perfect and extensive civilization of Ireland, it is principally her religious animosity. Examine all the causes of human misery, the tragic machinery of the globe, and the instruments of civil rage and domestic murder, and you find no demon is like it, because it privileges all the rest, and amalgamates with infidelity as well as murder, and conscience, which restrains other vices, becomes a prompter here. To restrain this waste, and this conquest exercised over your understanding, your morals, and your fortune, my hon. friend makes his motion. The present lord lieutenant of Ireland has done much to reconcile, but his mild integrity and good sense must be aided by parliament. Come, let us hear the objectors. The catholics, they say, should not have political power. Why, they have it already: they got it when you gave them landed property, and they got it when you gave them the elective franchise: "Be it enacted, that the catholics shall be capable of holding all offices, civil and military, except," (and then the act excludes a certain numeration.) This is the act of 1793, and is not this political power allowed by act of parliament? so that the objection goes not so much against the petition, as against the law, and the law is the answer to it. The reasons they give for objecting to the law are, first, that the catholics do not acknowledge the king to be the head of their church. To require a person of the catholic faith to acknowledge a person of another religion, who makes no very encouraging declarations towards them, to be the head of the catholic church, is going very far; but to make the withholding such acknowledgment the test of disaffection is much farther; farther than reason, and farther than the law, which does not require such test, but is satisfied with a negative oath: and therefore, the presbyterian, who makes no such acknowledgement, may sit in parliament. So that here the objector is answered again by the law, and the reason he gives in opposition to the law shows, that the legislature is wiser than he is; the reason alleged is, that he who allows his majesty to be the head of his church, has more allegiance, because he acknowledges the king in more capacities. According to this, the Turk has more allegiance than either, for he acknowledges the grand seignior in all capacities; and the Englishman has less allegiance than any other subject in Europe, because, whereas other European subjects acknowledge their king in a legislative, as well as an executive capacity, the English acknowledge their king in the latter capacity only. But such men know not how to estimate allegiance, which is not measured by the powers which you allow, but by the privileges which you keep; thus your allegiance is of an higher order, because it is rendered for the proud circumstances belonging to an Englishman; to the peer who has his rank, the commoner who has his privileges, and the peasant who has magna charta; the catholic too, he has an interest in his allegiance; increase that interest; that is, increase this privilege, you increase the force of the obligation, and with it your own security. But here, again, the objector interposes, and alleges that the catholic does not only acknowledge the king to be the head of their church, but acknowledges a foreign power. Whom? I cannot find him; there was, indeed, a power which you set up in the last war, and guarded with your troops. Is that the memory at which gentlemen tremble? a sort of president or chair, in whose name the business of the catholic church is conducted; for whom no catholic would fight, and against whom the Irish catholic would fight, if he came into their country at the head of an invading army—they have said so. You will recollect how little you yourselves feared that name, when you encompassed and preserved it at the very time of the Irish rebellion; and now do gentlemen set it up, and bring it back again into the world as a principle to influence the action of the Irish? But then I have received an answer to this; and that Buonaparté has gotten possession of the power and person of the pope. What power? He had no power before his captivity, and therefore he became a captive; he has not found his power in his captivity. Or will you say that he could now disband an Austrian army, or an Irish army; or that, if he were to issue out his excommunications, your seamen or soldiers would desert? Such the power of the pope—such your fear of it, and such is the force of their argument: what is the policy of it? Buonaparté has gotten the pope; give him the catholics. But here the objector interposes again, and tells us it is in vain to look for harmony with the catholics, inasmuch as they deliver the protestants to damnation. Gravely they say this, soberly they say this in a morning; and, according to this, you must not only repeal your laws of toleration, but you must disband part of your army and your navy, and disqualify your electors. The catholic who hears this, produces a protestant creed which does the same thing, and damns his sect likewise. The infidel who listens agrees with both, and triumphs; and suggests that it were better not to cast off your people, but to shake off your religion. So Volney makes all sects contend and all conquer, and religion the common victim. The truth is, exclusive salvation was the common frenzy of all sects, and is the religion of none; and is now not only rejected by all, but laughed at: so burning one another, as well as damning one another. You can produce instances—they can produce instances: it was the habit of the early christians to anathematise all sects but their own. No religion can stand, if men, without regard to their God, and with regard only to controversy, shall rake out of the rubbish of antiquity, the obsolete and quaint follies of the sectarians, and affront the majesty of the Almighty with the impudent catalogue of their devices; and it is a strong argument against the proscriptive system, that it helps to continue this shocking contest—theologian against theologian—polemic against polemic, until the two made men defame their common parent, and expose their common religion. With arguments such as those, it is urged that the the laws were in error which gave the catholic political power; and it is further added, that he will use that political power to destroy the church. I do not think they have now said he will destroy the present state of property; bigotry has retired from that part, and has found out at last that the catholics cannot repeal the act of settlement in Ireland, by which the property of the country was ascertained, until they become the parliament; nor become the parliament till they get the landed property of the country; and that when they get that property, that they will not pass an act to set aside their titles. Further, it is now understood, that the protestant title is by time; that there are few old catholic proprietors—a multitude of new ones; that the catholic tenantry hold under protestant titles, and therefore that there is, in support of the present state of property in Ireland, not only the strength of the protestant interest, but the physical force of the catholics; therefore the objectors have judiciously retired from that ground, and now object to catholic power as certain to destroy the protestant church—how? They must do it by act of legislation, or by act of force: by act of legislation they cannot, and by force they will not. They will not by act of force, because the measures proposed, which do not go to increase that force, do go decisively to remove the animosity. Or will you say, when you give them every temporal motive to allegiance, they will become rebels? that when indeed they had rights of religion, rights of property, rights of election, they were loyal; but when you gratified their ambition likewise, they then became disaffected, and ready to sacrifice all their temporal rights and political gratifications—in order to do what? To get a larger income for their clergy; that is, that their bishops should drink more claret, wear finer clothes, and with whose assistance should they do this? With the aid of the French, who starve their clergy. The ordinary principles of action, the human motives that direct other men, according to these reasoners, are not to be found in the catholic. Nature is in him reversed: he is not influenced by the love of family, of property, of privileges, of power, or any human passions, according to his antagonists, no more than his antagonists are influenced by human reason, and therefore it is these reasoners deal mostly in the prophetic strain; with a prophet's fury and his blindness—with much zeal, and no religion. I would ask then, what authority have they for thus introducing the church as an obstacle to the advantages of the state? Is it political, or is it moral, to deprive the catholic of the franchises of the constitution, because they contribute to the church, lest, on obtaining those franchises, they should pass laws with-holding that contribution? as if you had any right to make that supposition, or any right to insist on that perilous monopoly, which should exclude them at once from church and state, that they might pay for both without compensation. The great preachers of our capital have not said so. Mr. Dunn, that meek spirit of the Gospel—he has not said so. Mr. Douglas, in his strain of piety, morals, and eloquence—he has not said so. Nor the great luminary himself—he who has wrung from his own breast, as it were, near 60,000l. by preaching for public charities, and has stopped the mouth of hunger with its own bread—he has not said so. I ask not what politicians may instil and may whisper; but what have the labouring clergymen preached and practised?—But the revolution, it seems, is an eternal bar: they find the principles of slavery in the revolution, as they have found those of darkness in the revelation. If they mean to measure the privileges of the empire by the model existing at the revolution, they must impose on Ireland eternal proscription, for at that time she was deprived of the rights of trade and constitution, and the catholics of all rights whatsoever; and they must impose on the empire two opposite principles of action, the free system for England, and the proscriptive principle for the rest. They are then to make Ireland fight for British liberty and Irish exclusion. Their argument is therefore not only a wicked wish, but a vain one. Nor is this the practice of other countries; those countries do not require the religion of the public officer to be the religion of the state; their practice has been notoriously otherwise: they who said the contrary labour under a glaring error. Nor will you be able to encounter France and the other nations of Europe, if they should avail themselves of the talents of all their people, and you will oppose them by only a part of yours, and while you deprive yourself of the full strength of those talents, expose yourself to their animosity. It follows then, whether you look to the principles of liberty or empire, that you cannot make the proscriptive system existing at the revolution the measure of the other parts of your empire; you must then make the principles of the revolution that measure. What are those principles? Civil and religious liberty. They existed at that time in full force for you, they existed as seminal principles for us, they were extended to the protestant part of Ireland a century after, they remain now to be extended to the catholics. Then will your revolution be completed, not overthrown; then will you extend the principles of your empire on those of your constitution, and have secured an uniformity of action by creating an identity of interest; thus will you have simplified the imperial and constitutional motions to the one and the same principle of action, moving you in your home and in your imperial orbit, informing the body of your laws, and vivifying the mass of your empire.—The petition of the county of Oxford states the catholics have been ever enemies to freedom, just as the controversialists have said the catholics must be enemies to the king. The revolution, from whose benefits you are to exclude the catholics, was founded on a model formed and moulded by catholics, the declaration of right being almost entirely declaratory of rights and privileges secured by your catholic ancestors. One of your great merits at the revolution was not to have exceeded that model, but on the contrary you restrained popular victory, and restored establishments, and with them kindled a modest spirit, which has outlasted the French conflagration, a vital heat, which then cheered you, which now should cheer the catholic, and giving light and life to both, I hope will be eternal.—The great objects, church, state, and property, I adopt with the controversialist, and beg to rescue them from his wisdom, and to give them for their support the physical force of the catholic body, inasmuch as our danger does not arise from the possible abuse of his constitutional power, but from the possible abuse of his physical thoughts to obtain that constitutional power. In all this debate you will observe we argue as if we had but one enemy, the catholic, and we forget the French: and here what I said to the Irish parliament, on the catholic question, I will repeat to you. I said to them, "the post you take is unfavourable,—independency of the British parliament, exclusion of the Irish catholics, a post to be kept against the power of one country, and the freedom of the other." I now say to you, the post you would take is unfavourable, a position that would keep France in check and Ireland in thraldom, to be held against the power of one country and the freedom of the other. There are three systems for Ireland: one such as primate Boulton has disclosed, a system to set the people at variance on account of religion, that the government might be strong and the country weak; a system, such an one as prevailed when I broke her chain, which made the minister too strong for the constitution and the country, too weak for the enemy; a system which one of its advocates has described, when he said the protestants of Ireland were a garrison in an enemy's country, and which another gentleman has described when he considered Ireland as a caput mortuum. This system has failed; it ought to have failed; it was a party government and a party god.—There is another, extermination, that will not do—the extermination of three millions of men would be no easy task in execution, no very charitable measure in conception. The justices of 1641 had dreamed of it, Cromwell had attempted, Harrington had talked of it. I hold the extermination of the people, and even of their hierarchy, to be such an experiment as will not be proposed by any gentleman who is perfectly in his senses. Extermination, then, will not do; what is left? The partial adoption of the catholics has failed, the eradication of the catholics cannot be attempted, the absolute incorporation remains alone; there is no other; or did you think it necessary to unite with the Irish parliament, and do hesitate to identify with the people? See whether you can conduct your empire on any other principle. The better to illustrate this, and in order to ascertain the principles of your empire, survey its comprehension, computing your West Indies, and your eastern dominions, England has now, with all deference to her moderation, a very great proportion of the globe. On what principle will she govern that proportion? On the principles on which Providence governs that and the remainder. When you make your dominions commensurate with a great portion of her works, you should make your laws analogous to her dispensations. As there is no such thing as exclusive Providence, so neither, considering the extent of your empire, should there be such a thing as an exclusive empire, but such an one as accommodates to peculiar habits, religious prejudices, prepossessions, &c. &c. You do not, in your dispatches to your generals, send the thirty-nine articles: you know the bigot and conqueror are incompatible; Lewis XIV. found it so. You know that no nation is long indulged in the exercise of the two qualities—

bigotry to proscribe at home, ambition to disturb abroad. Such was your opinion when you established popery in Canada; I do not speak of Corsica—such your opinion when you recruited for the foot in Ireland. It was in the American war this practice began: then you found that the principle of exclusive empire would not answer, and that her test was not who should say her prayers, but who should fight her battles. On the same principle the Irish militia, which must be in a great proportion catholic, stands; and on the same principle the Irish yeomanry, who must be in a considerable proportion catholic, stands; and on the same principle you have recruited for the navy in Ireland, and have committed your sea thunder to catholic hands. Suppose in Egypt the general had ordered the catholics to go out of the ranks; or if, in one of your sea-fights, the admiral had ordered all the catholics on shore, what had been the consequence? It is an argument against the proscriptive system, that if adopted practically, in navy or army, the navy and army and empire would evaporate. And shall we now proclaim these men, or hold such language as the member, language which, if he held on the day of battle, he must be shot; language for which, if a catholic, he must be hanged; such as you despised in the case of Corsica and of Canada, in the choice of your allies, in the recruiting your army and your navy, whenever your convenience, whenever your ambition, whenever your interest required. Or let us turn from the magnitude of your empire to the magnitude of its danger, and you will observe, that whereas Europe was heretofore divided in many small nations of various religions making part of their civil policy, and with alliances influenced in some degree and directed by those religious distinctions, where civil and religious freedom were supposed to be drawn up on one side, and on the other popery and arbitrary power, so now the globe has been divided anew. England and France, you have taken a first situation among mankind; you are, of course, excluded from a second: Austria may have a second situation, Prussia may have a second, but England seems to have linked her being to her glory, and when she ceases to be of the first she is nothing. According to this supposition, and it is a supposition which I do not frame, but find in the country, the day may not be very remote when you will have to fight for being, and for what you value more than being, the ancient renown of your island. You have said it yourselves, and you have added, that Ireland is your vulnerable part: why vulnerable? Vulnerable because you have misgoverned her. It may then happen that on Irish ground, and by an Irish hand, the destinies of this ancient monarchy called Great Britain, may be decided. Accordingly, you have voted your army, but you have forgot to vote your people; you must vote their passions likewise. Their horrors at the French proceedings will do much, but it is miserable to rely on the crimes of your enemies always, on your own wisdom never. Besides, those horrors did not prevent Prussia from leaving your alliance, nor Austria from making peace, nor the united Irishmen from making war. Loyalty will do much, but you require more—patience under taxes, such as are increased far beyond what we have been accustomed to, from one million and a half to 8,000,000; nor patience only, but ardour—the strong qualities, not such as the scolding dialect of certain gentlemen would excite—the fire, a spirit that in the case of an invasion will not sit as a spy on the doubt of the day and calculate, but, though the first battle should be unsuccessful, would come out with a desperate fidelity, and embody with the destinies of England. It is a wretched thing to ask, how would they act in such a case? What, after a connexion of six hundred years, to thank your admiral for your safety, or the wind, or any thing but your own wisdom! and therefore the question is not whether the catholics shall get so many seats, but whether you shall get so many millions; in such a case you live all people. What is it that constitutes the strength and health of England but this sort of vitality, that her privileges, like her money, circulate every where, and center no where? This it was which equality would have given, but did not give, France; this it was which the plain sense of your ancestors, without equality, did give the English; a something which limited her kings, drove her enemies, and made a handful of men fill the world with their name.—Will you, in your union with Ireland, with-hold the regimen which has made you strong, and continue the regimen which has made her feeble? You will further recollect, that you have invited her to your patrimony, and hitherto you have given her taxes and additional debt, I believe it is of 26,000,000. The other part of your patrimony, I should be glad to see that. Talk plainly and honestly to the Irish

—'tis true your taxes are increased, and your debts multiplied, but here are our privileges, great burthens and great privileges: this is the patrimony of England, and with this does she assess, recruit, inspire, consolidate. But the protestant ascendancy, it is said, alone can keep the country, namely, the gentry, clergy, and nobility, against the French, and without the people. It may be so. But, in 1641, above ten thousand troops were sent from England to assist that party; in 1789, twenty-three regiments were raised in England to assist them; in 1798, the English militia were sent over to assist them. What can be done by spirit will be done by them; but would the city of London, on such assurance, risk a guinea? The parliament of Ireland did risk every thing, and are now nothing; and in their extinction, left this instruction, not to their posterity, for they have none, but to you, who come in the place of their posterity, not to depend on a sect of religion, nor trust the final issue of your fortunes to any thing less than the whole of your people.—The parliament of Ireland—of that assembly I have a parental recollection. I sat by her cradle, I followed her hearse. In fourteen years she acquired for Ireland what you did not acquire for England in a century—freedom of trade, independency of the legislature, independency of the judges, restoration of the final judicature, repeal of a perpetual mutiny bill, habeas corpus act, nullum tempus act. A great work! you will exceed it, and I shall rejoice. I call my countrymen to witness if, in that business, I compromised the claims of my country, or temporised with the power of England. But there was one thing which baffled the effort of the patriot, and defeated the wisdom of the senate; it was the folly of the theologian. When the parliament of Ireland rejected the catholic petition, and assented to the calumnies then uttered against the catholic body, on that day she voted the union. If you should adopt a similar conduct, on that day you will vote the separation. Many good and pious reasons you may give, many good and pious reasons she gave, and she lies there with her many good and her pious reasons. That the parliament of Ireland should have entertained prejudices, I am not astonished; but that you—that you who have as individuals and as conquerors visited a great part of the globe, and have seen men in all their modifications, and Providence in all her ways—that you, now at this time of the day, should throw dykes against the pope and barriers against the catholic, instead of uniting with that catholic to throw up barriers against the French—this surprises; and, in addition to this, that you should have set up the pope in Italy to tremble at him in Ireland; and further, that you should have professed to have placed yourself at the head of a christian not a protestant league, to defend the civil and religious liberty of Europe, and should deprive of their civil liberty one fifth of yourselves, on account of their religion—this surprises me; and also, that you should prefer to buy allies by subsidies rather than fellow subjects by privileges; and that you should now stand, drawn out as it were in battalion, 16,000,000 against 36,000,000, and should at the same time paralize a fifth of your own numbers, by excluding them from some of the principal benefits of your constitution, at the very time you say all your numbers are inadequate, unless inspired by those very privileges. As I recommended to you to give the privileges, so I should recommend the catholics to wait cheerfully and dutifully. The temper with which they bear the privation of power and privilege is evidence of their qualification. They will recollect the strength of their case, which sets them above impatience; they will recollect the growth of their case, from the time it was first agitated to the present moment, and in that growth perceive the perishable nature of the objections, and the immortal quality of the principle they contend for; they will further recollect what they have gotten already, rights of religion, rights of property, and, above all, the elective franchise, which is in itself the seminal principle of every thing else. With a vessel so laden they will be too wise to leave the harbour, and trust the fallacy of any wind. Nothing can prevent the ultimate success of the catholics but intemperance; for this they will be too wise. The charges uttered against them they will answer by their allegiance. So should I speak to the catholics. To the protestant I would say—You have gotten the land and powers of the country, and it now remains to make those acquisitions eternal. Do not you see, according to the present state and temper of England and France, that your country must ultimately be the seat of war; do not you see that your children must stand in the front of the battle, with uncertainty and treachery in the rear of it? If then, by ten or twelve seats in parliament, given to catholics, you could prevent such a day, would not the compromise be every thing? What is your wretched monopoly, the shadow of your present, the memory of your past power, compared to the safety of your families, the security of your estates, and the solid peace and repose of your island? Besides, you have an account to settle with the empire. Might not the empire accost you thus? "For one hundred years you have been in possession of the country, and very loyally have you taken to yourselves the power and profit thereof. I am now to receive at your hands the fruits of all this, and the unanimous support of the people; where is it, now when I am beset with enemies, and in my day of trial?" Let the protestant ascendancy answer that question, for I cannot. Above twenty millions have been wasted on your shocking contest, and a great proportion of troops of the line locked up in your island, that you may enjoy the ascendancy of the country and the empire, not receive the strength of it. Such a system cannot last; your destinies must be changed and exalted. The catholic no longer your inferior, nor you inferior to every one, save only the catholic; both must be free, and both must fight—the enemy, and not one another. Thus the sects of religion, renouncing, the one all foreign connection, and the other all domestic proscription, shall form a strong country; and thus the two islands, renouncing all national prejudices, shall form a strong empire, a phalanx in the west, to check, perhaps ultimately to confound, the ambition of the enemy. I know the ground on which I stand, and the truths which I utter; and I appeal to the objections you urge against me, which I constitute my judges, to the spirit of your own religion, and to the genius of your own revolution; and I consent to have the principle which I maintain tried by any test; and equally sound, I contend, it will be found, whether you apply it to constitution where it is freedom, or to empire where it is strength, or to religion where it is light.——Turn to the opposite principle, proscription and discord. It has made in Ireland not only war but even peace calamitous: witness the one that followed the victories of King William, to the catholics a sad servitude, to the protestants a drunken triumph, and to both a peace without trade and without constitution. You have seen, in 1798, rebellion break out again, the enemy masking her expeditions in consequence of the state of Ireland, twenty millions lost, one farthing of which did not tell, in empire and blood, barbarously, boyishly, and most ingloriously expended! These things are in your recollection. One of the causes of these things, whether efficient or instrumental, as aggravating the proscriptive system, I mean you may now remove. It is a great work. Or has ambition not enlarged your mind, or only enlarged the sphere of its action? What the best men in Ireland wished to do, but could not do, the patriot courtier and the patriot oppositionist, you may accomplish: what Mr. Gardiner, Mr. Langrishe, men who had no views of popularity or interest, or any but the public good; what Mr. Daly, Mr. Burgh, men whom I shall not pronounce to be dead if their genius live in this measure; what Mr. Forbes, every man that loved Ireland; what Lord Puy, the wisest man in Ireland ever produced; what Mr. Hutchinson, an able, accomplished, and enlightened servant of the crown; what Lord Charlemont, superior to his early prejudices, bending under years, and experience, and public affection; what that dying nobleman, what our Burke, what the most profound divines, Doctor Newcome, for instance, our late primate, his mitre stood in the front of that measure; what these men supported, and against whom? Against men who had no opinion at that time on the subject, except that which the minister ordered, or men whose opinions were so extravagant, that even bigotry must blush for them; and yet those men had not before them considerations which should make you wise—that the pope has evaporated, and that France has covered the best part of Europe. That terrible sight is now before you: it is a gulph that has swallowed up a great portion of your treasure; it yawns for your being. Were it not wise, therefore, to come to a good understanding with the Irish now? It will be miserable, if any thing untoward should happen hereafter, to say, we did not foresee this danger; against other dangers, against the pope we were impregnable. But if, instead of guarding against dangers which are not, we should provide against dangers which are, the remedy is in your hands,—the franchises of the constitution. Your ancestors were nursed in that cradle; the ancestors of the petitioners were less fortunate; the posterity of both, born to new and strange dangers; let them agree to renounce jealousies and proscriptions, in order to oppose what, without that agreement, will overpower both. Half Europe is in battalion against us, and we are damning one another on account of mysteries, when we should form against the enemy, and march.—But I am exhausted.

The *Attorney General.*—I am as anxious to concur in any measure, which has for its object the consolidation of the strength and interest of the empire, as either of the two hon. gentlemen who have supported this motion; but the proposition of the hon. member who opened this debate does not appear to me in any way calculated to meet that end. The hon. gentleman has stated the abstract question of right, with his usual precision, but certainly not so strong as he might have done, nor can I agree with him in the inferences he has endeavoured to deduce from it. The hon. mover of the question has argued, that no danger is to be apprehended at present in admitting catholics to the representative privilege. Possibly not. Great numbers may not come in at first, but parliament is to look prospectively to the effect of the measure, and the probable line of conduct that would be pursued by the catholics when they shall obtain a share in the representation. I do not suppose that they would endeavour to recall and replace upon the throne a branch of a family which had been formally excluded. I do not suppose that they would endeavour to take away all the tithes from the protestant clergy for the purpose of giving them to their own; but if a proposition were made to take away part of the tithes from the protestant clergy, for the purpose of conferring them on the catholic clergy, I am not sure that many worthy men may not be found in this house to entertain it; and, in the event of a division, I am sure the catholic representation would be as a dead weight in the scale. I shall not take up the time of the house in considering all the objections to which, in that particular respect, the motion is liable. I will content myself with proving that it is repugnant to a solemn stipulation between Ireland and Great Britain, and in doing that, I shall furnish, I trust, sufficient matter for rejecting it. The stipulation to which I allude is that contained in the fifth article of the act of union, which expressly mentions, that the protestant church is to be the established church of the state. It is said that the measure would put an end to all disaffection, and yet, in the very same breath, gentlemen assert that none exists. I would agree with them in the praises which they have bestowed upon the loyalty of the catholics, and admit that the rebellion in Ireland was not a rebellion of catholics; and that no greater number of that persuasion were to be found in it than might be expected in a country whose population was in so great a proportion catholic. The conciliation of Ireland is the ostensible reason for bringing forward the measure; but if that be really the question, gentlemen will do well to consider the effect of it, not only upon the catholics, but upon the protestants also. They should consider what would be the alienating operation of the repeal of the fifth article of the union, upon the protestant population of Ireland. I fear the effect of it would be to destroy that tranquillity which the honourable mover of the question seems so anxious to maintain. Even that morality, and conscientious regard of their oaths, which is said to be so strongly inculcated by the tenets of the catholic religion, should convince gentlemen, that in a regular, orderly way, they would omit no opportunities of procuring for their religion all possible advantages. It is true that the petitioners have abjured any intention to subvert the protestant religion for the purpose of introducing their own: but do they profess for the whole catholic body? do they profess for the clergy as well as the laity; or do they only profess for themselves? I have looked at the petition, and I cannot find the hand of a single clergyman of the catholic persuasion affixed to it; and the reason assigned, as I understand, is, that it is a petition for civil rights, in which they could not participate. The catholic clergy have not abjured the expectation of being restored to all the dignities which were possessed by them previous to the reformation; and if they had, I should not have thought so well of them as I do. Have they not their bishoprics, their deaneries, and all the gradations which are to be found in the established church? And knowing this, who can say that they have relinquished all hopes of enjoying the emoluments appertaining to those dignities? One of their tenets is, and of which any member who goes into a bookseller's shop may convince himself, that they are bound to pay tithes only to their lawful pastors. Nay, some persons have carried the principle much further. A Mr. M'Kenna, a very able man I will acknowledge, has proposed, in a treatise of much learning and ingenuity, that thirty or forty acres of land should be purchased in every parish in Ireland, and a house should be built on it for the catholic clergyman. Is not this a plain indication of the extent of their hopes and prospects? No man can entertain a doubt that it is their inclination to propagate their religion by every means in their power. This is a principle inseparable from the character of every religion. Were I in a catholic country, professing the religion I do, I should feel an inclination to advance that religion; and so it is natural to expect the catholics would do, whenever they had an opportunity. I am not so sanguine as the hon. mover, in his expectations of the advantages that are to result from the measure proposed. I no not think it would produce conciliation in Ireland, or give that satisfaction to the catholic body that is asserted. On the contrary, the effect of it, in my opinion, would be, to bring the two sects nearer to each other, and consequently to increase that spirit of rivalship and jealousy which has unfortunately subsisted between them. (Murmurs of impatience.) I claim the indulgence of the house for a few moments longer. I see there is no great disposition to listen to me; and after the manner in which the attention of the house has been gratified by the eloquent and able member who has just addressed it for the first time, I am aware that any thing which falls from me must appear flat and uninteresting. I think that no alternative can exist between keeping the establishment we have, and putting a Roman catholic establishment in its place. If gentlemen can make up their minds to that, they may conciliate Ireland, but not otherwise; or perhaps they may enter into a treaty with Buonaparté to allow the pope to grant them another concordat. This appears to me to be the only true way of stating the question. The immunities which have been already granted to the catholics, I think, are sufficient; and there is one of them, I mean the elective franchise, which, had I been a member of the legislature, I should have felt an inclination to oppose, and also the Roman catholic college. What privilege is there which the catholics do not enjoy, with the exception of sitting in parliament, and the capacity of being appointed to a few great offices, in as full and complete a manner as those who profess the established religion? They have nothing to desire on the score of toleration, that they and every other dissenter from the established church do not enjoy as fully as they could wish. Anxious as I am to conciliate so important a member of the empire, I cannot bring myself to approve of the measure proposed by the hon. mover. If the demands of the petitioners were conceded to their numbers, and their majority, no possibility would remain of refusing to comply with any future demands they may think proper to make. What their numbers and majority shall have once obtained, will only tend to stimulate them to fresh demands, until nothing remains for them to require, and they become not merely a prevailing party in the state, but exclusively the state for itself. For those reasons I will vote against the motion for referring this petition to a committee.

Mr. *Alexander*.—Sir, unwilling as I am at all times to obtrude myself upon the attention of the house, yet I feel too deeply interested upon the present occasion to be awed from expressing my sentiments. When the right hon. gent. who has just sat down feels so much embarrassed under the impression created by the very eloquent speeches of both the hon. members who have preceded him in support of the petition, I cannot deny that I too have my feelings under that impression; but I should ill perform the duty I owe to my conscience, to the crown and my country, if I gave way to them. I own my national pride is certainly gratified by the attention paid to the talents of the hon. gent. who spoke last but one; but I can never forget, that I have witnessed those talents employed successfully in beating down the laws and constitution of his country: (Loud cries of no! no!) I do not accuse the hon. gent. of design; but he has amplified so much on the strength of the physical numbers of what he has called the Irish people, has asserted and painted their imaginary grievances in such high colouring, that there grew in the minds of an influenced and infatuated peasantry, a conviction that they had just motives for rebellion, and strength to accomplish their object. What admits of no doubt, and which I cannot forget, is, that the honourable member's conduct and sentiments prevented his taking any share in putting down that rebellion; prevented him from manifesting active loyalty, or exposing himself with other gentlemen to common exertions, common inconveniences, and common dangers. With such recollections I feel it a duty to withstand all impressions made upon my mind by the talents and reputation of the honourable member, and to recall the attention of the house to the arguments of the gentleman who has opened the debate. That hon. gent. has stated truly from archdeacon Paley, that tests were introduced when religious sentiments and religious interests were so universally connected and diffused through certain classes in the community, as to be a proof of a determined purpose of action, and that public necessity justified a general law of exclusion, sacrificing the pretension of the few, who might feel differently from the mass of their own sect, to public tranquillity and security. He has admitted that the Roman catholics were in general so strongly attached to the house of Stuart, as to have justified the legislature in enforcing the oath of supremacy, and other tests, to the exclusion of Roman catholics from political power. He has debated much upon that subject, and has justified our ancestors for their precaution. And I ask no other grounds of reason than those upon which that hon. gent. has relied, to justify parliament in the rejection of the present catholic claims. If attachment to the house of Stuart has justified suspicion, and restrictions from power, how much more strongly does the general aversion of the lower order of catholics and of their priests, to Britain and British connexion, justify all our precaution! I do not hesitate to assert, that with the middling and lower orders of Roman catholics, and the generality of their clergy, under every change of governors or government, proposed or attempted, separation from England has been the object invariably aimed at. Every passion, religious and temporal, all their traditions, all their prejudices, unite to excite such feelings, and to render this sentiment predominant in their minds; and this house is deceived most fatally, if it suffer itself to be persuaded that they have changed those sentiments. The best historians agree that the Irish catholics of King James's day used him but as an instrument of separation; they rendered him desperate with England to ensure success to their design—a separation—by forcing him to confiscate all the protestant and British property in Ireland. The hon. gent. has disclaimed, with great levity, all knowledge of councils, and of the former opinions of the catholics, and has entered into abstract discussions of rights, and first principles, for his purposes—in my mind with great judgment; but an application of men's minds to the situation of the day, and to existing circumstances, would prove fatal to his arguments, and to his object. Without a knowledge of the catholic doctrines, and of the influence of those doctrines, the question cannot be fairly understood, and that wilful or assumed ignorance of their opinions is unjustifiable in a gentleman agitating such a question. I repeat, that the influence of the Roman catholic clergy in Ireland is now most formidably great; that in that country, an hierarchy exists unconnected with the crown, but immediately dependant upon the pope; that there exists in Ireland at this day a most numerous body of Roman catholic clergy devoted to the doctrinal opinions of the church of Rome, and maintaining the spiritual and ecclesiastical jurisdiction of that court. In fact, the papistry is in many points of view more formidable in the present state of Ireland, from the objects on which it attaches, and the persons it influences, and produces a more uncontrolable power over their people, than even before the reformation. The objects of the first reformers were two-fold: the remedying the avarice, voluptuousness, and power of the clergy; the abolition of their separate courts of jurisdiction, and all those privileges, exemptions, and distinctions, they claimed or proposed, and which enabled the clergy to cope with princes, and to oppress and insult the people. Princes and people had feelings in common, that led them rapidly to concur in those points with the reformers; and countries the most catholic, and the most devoted to the see of Rome, limited and curtailed its power and possessions, and wrested from it the supremacy in temporal matters. But matters of doctrine being blended with matters of faith, and being admitted to be above the comprehension of the lower and middling classes of the people, not being equally apparent upon the qualities of the mind, and the ostensible conduct of those who governed or were governed by them, were not an object of jealousy to princes, or of painful and degrading contrast to the people. The catholic clergy, unequal, therefore, to combat the feelings excited by their luxury and power, seldom attempted to punish, or indeed to bring into question, offences against their temporal interests, but accused their antagonists of offences against the fundamental articles of faith, and, with consent of prince and people, inflicted punishments to any extent to which their passions and vengeance led them. The Roman catholic church, now, in Ireland, has all those sources of doctrinal influence over the faith of a bigoted people; their clergy frequently (as I admit), in the transactions between man and man, exercise them for good purposes; but they also have the power of giving a direction to the popular mind, with an effect which is inconsistent with the general safety; and, in corroboration of my opinion, I appeal to their conduct in the late and in former rebellions. In Ireland the British government seems, hitherto, to feel no apparent interest in opposing the power and encroachments of the Roman catholic clergy; the people are left totally in their hands; and from that inattention, their great, and, in this debate, much-boasted influence has arisen: the Roman catholic clergy are now interwoven with the people in all their common transactions of life; true it is, they cannot punish criminals; but criminals bear no proportion to the number in any state. But I call upon gentlemen to consider, what is the effect of excommunication among the lower orders of Irish papists?—It excludes a man from his family, and renders him hateful to it; drives him from his little tenement, nay, precludes him from earning his livelihood, if dependent upon his labour; a power possibly greater than any possessed by the state, from its general diffusion, unsuspected influence, and extensive consequences: add to these considerations, the recollection of confiscated property, the long series of injuries alleged to have been committed by the English against the Irish, the remembrance of which has been constantly kept alive by tradition, and by recent exaggerated statements; and the well-known historical fact, that claims to property cannot fail for want of hereditary succession, as, by the Brehon law, it exists not in individuals, but in the name and Sept; and the house will see the reasons and motives for that dislike to British connexion, which ever has, and still continues to influence the lower and more numerous part of the catholics of Ireland, a peasantry directed by a clergy generally ignorant in every point but their school-divinity, all influenced by common motives of action, irreconcileable to British connexion at present; under such circumstances, though we cannot anticipate what growing wealth and more diffused intercourse may hereafter effect, we must still be on our guard. For these reasons I consider a knowledge of the doctrines of the see of Rome, and their actual influence upon the Irish clergy and the Irish catholics, as a most serious subject of consideration upon this occasion. As long as these prejudices and habits continue to influence their people, I am convinced no good effect can result from concessions. I am equally convinced that the better informed, the nobility and gentry, feel too many advantages resulting from their present situation, not to act with the utmost loyalty, and many, I admit, have already distinguished themselves by their conduct. But it would be reasoning like novelists, and not like statesmen, to make the great fundamental principles of a constitution like that of this mighty empire, bend so far, as to sacrifice its bulwarks in exchange for the strength expected to be derived from the gratification of the feelings of a few individuals; those new doctrines which teach a man to forget all he owes to the laws, the constitution, and the king; all that he owes to his family, his property, and his honour, if checked or controled in the pursuit of objects which he may be taught to over-value; and I lament that such loyalty is represented as only to be retained and secured by the sacrifice of our constitution! The numbers of the Irish catholics have been stated with a double object, to describe them as a source of strength, if conciliated, and of terror, if not gratified in their demands. If the higher classes of the catholics have influence, and have not hitherto exerted it, they can have no claims upon the confidence or gratitude of the legislature; but if (as I believe the case to be) they possess no power when opposed to the passions of the inferior people and the interested exertions of their clergy, I consider the yielding to their claims, a sacrifice of the constitution for a most trivial consideration. On more general grounds, the introduction into parliament and the cabinet of a certain number of the catholics, heading and acting as the organ of the catholic people, might be productive of the most fatal consequences; divisions might arise among the protestants, and a misguided monarch might attempt to obtain powers incompatible with the safety of our church and state, by the aid and support of that catholic party or interest. Such views were imputed to Charles the First; such conduct was certainly adopted by James the Second; and of that misguided effort we only escaped the fatal consequences, by placing the present royal family on the throne. The concessions now sought might also prove fatal to the catholics themselves, and tempt them (as it has hitherto done) into struggles for ascendancy, which might prove fatal to the privileges they now enjoy. Their advocates boast much of their wealth, fairly and honourably acquired under our mild and equal laws; honours have been conferred by the crown, or restored to their most distinguished families; the absence of jealousy, and the consciousness of our superior constitutional strength, justified our monarch in conferring these favours, and the protestant people in rejoicing at their attainment. But great states are distinguished by the wisdom of their precautionary measures; the wisdom of British policy has led its councils to protect the crown from temptation, and to guard the conduct of the monarch against the effects of his passions and his wishes, by with-holding the instruments by which our constitution in church and state might be assailed and subverted. Should a British monarch entertain such views, the manufacturing and preparing instruments would alarm the jealousy, and enable the wealth and independence of the empire to rise in defence of its civil and religious liberties. As far as the feelings of the crown itself may be concerned, we must consider how cruel it would be to render the exclusion of such a description of subjects from his councils and the higher offices of state a matter of personal objection, and consequently of personal odium against the monarch himself.—The catholics surely expect that the capability which they now wish to obtain should be productive of its effects. At present no individual can feel, in his exclusion from power, a personal degradation; he must attribute it to existing laws, and to the existing constitution. Give them capability, and then do not confer upon a great proportion that share in the cabinet and the councils of the crown which they fancy their boasted numbers and wealth entitle them to, and will you conciliate a single individual? Will not discontent be more formidable than it is at present? On the other hand, what would be the sentiments and the sensation of the people of this empire, were they to see a protestant monarch, whose tenure to his throne depends upon his fidelity to his religion, surrounded by catholic counsellors? Could any circumstances reconcile them to such a choice in the monarch himself? And should the strength of parties (as it is sometimes supposed to have done) force such ministers, and such counsellors upon the throne, how miserable, how degraded must be the situation of our monarch, and how precarious the state of our religion and of our civil liberties! Such appear to me to be the inevitable evils of concession to the present claims; and if we are to be reduced to a choice of evils, and must consider catholic numbers (as the hon. members have held out) a source of intimidation, our ancestors have held Ireland in times infinitely more unfavourable, and against numbers infinitely more disproportioned; and I entertain no doubt that we should do so again. Let England but understand her true interest; let her justly appreciate the spirit, zeal, and loyalty of the protestants of Ireland; let her be convinced, they feel their properties, their honours, and their lives, dependent upon British connexion: but if England unfortunately forgets what is due to, as brave and as zealous allies as any nation ever possessed, her protestant subjects of Ireland, she will have the most fatal reasons to lament her acquiescence in their and her own destruction. Let England be firm in her adherence to her laws and constitution. No catholic can be oppressed by the laws in Ireland; his property and his person are protected by the same code and juries that protect the protestant. If, notwithstanding these advantages, any of them should appeal to numbers, and be rashly tempted into rebellion, arms and the law must punish the rebels! With such impressions upon my mind, I should have felt myself unworthy of being the representative of my protestant countrymen, had I not borne testimony to their zeal and their loyalty, but had shrunk from the weight and talents of the hon. gent. I trust in God, and in the courage of the nation, that we are able to defend our laws, religion, and property; to maintain our faith, and to uphold the throne.

Mr. *William Smith* proposed that the debate be adjourned. He was perfectly prepared to deliver his sentiments at the moment, if the house were willing to hear him, and other gentlemen who might wish to speak on the important question before them. It would, however, be unbecoming the character of the house, and the importance of the subject, if they came to any hasty decision.—The question of adjournment being loudly called for,

The *Chancellor of the Exchequer* expressed a wish that the discussion could have been terminated at that sitting. As, however, it seemed to be the wish of other gentlemen to deliver their sentiments, he thought it would be better to adjourn than to state them at a more advanced hour.—The debate was accordingly adjourned till the following day.—The other orders of the day were also postponed, and, at 3 o'clock on Tuesday morning, the house adjourned.

HOUSE OF COMMONS.

Tuesday, May 14.

[MINUTES.]—On the motion of Sir John Anderson the house went into a committee on the report of the vintners' petition. The report was ordered to be received to-morrow.—On the motion of Dr. Duigenan the Irish first fruits bill was read a third time and passed.—Mr. Alexander moved the further consideration of the report of the committee on the Irish land partition bill. The amendments were agreed to, and the bill ordered to be read a third time to-morrow.—Mr. Johnson, from the office of chief secretary of Ireland, presented copies of the proceedings in the Irish parliament relative to the attainder of Cornelius Grogan, esq. Ordered to be printed.—Mr. Alexander brought up the report of the committee on the slate bill; which was agreed to, and the bill ordered to be read a third time to-morrow.—Mr. Huskisson gave notice of a motion on Thursday next, for appointing a committee to enquire into the expediency of allowing coals to be brought to London by the Paddington Canal.—Sir W. Curtis moved, that the petition of the 3d of March, relative to improvements in the Port of London, be referred to a committee. Ordered.—Accounts of the different sums presented to be raised by grand juries of the several counties in Ireland, from 1st January 1775, to 1st January 1805, were ordered to be laid before the house.—Mr. Western obtained leave to bring in a bill for rendering more effectual the protection of parishes against the losses sustained by them from the defalcations of taxes.—Sir J. Stewart moved, "that it be an instruction to the committee to whom the papers relative to the repairs of the Romney and Sensible had been referred, to examine into the purchase and expenditure of stores for the said ships, and also to enquire into the loss of certain vouchers," &c.

[ROMAN CATHOLIC PETITION.]—The order of the day being read for resuming the debate on the motion for referring the Irish Catholic Petition to the consideration of a committee of the whole house,

Mr. *William Smith* rose and spoke as follows: Sir; as an opinion may prevail that we now resume this debate in circumstances less favourable to the question than those in which it stood last night, I beg shortly to clear myself from all imputation on that account, by declaring that, for every personal reason, it would have been far more agreeable to me to have proceeded even at that late hour, except, indeed, from the consciousness of a greater disadvantage in proportion as the comparison was more near and immediate between myself and an hon. gent. (Mr. Grattan), whose eloquence every one must have admired, and whose presence in this house is at least one advantage conferred by the union on this country. I know not, however, sir, whether the event to which I have alluded ought not rather to stimulate the friends of this measure to greater exertion. I confess I should think it much to be regretted if the unfavourable decision of another assembly should lead the catholics of Ireland to apprehend that a sentiment adverse to their wishes generally prevails. That decision, indeed, diminishes their prospect of immediate success;—but this house is an independent branch of the legislature; we are bound to think and determine for ourselves, and should we resolve to go into the committee, let us hope that, from the investigation which may there take place, arguments may arise, by which the other house of parliament may be led to agree in the result to which we may finally come. Sorry, however, sir, as I shall be if this motion should be negatived, I should be yet more deeply concerned if that determination should be formed on such principles as were last night maintained. Must we reject this petition? at least let it be dismissed with temper and moderation, not in that spirit of harshness, almost of bigotry, which pervaded the declamation of an hon. and learned gent. (Dr. Duigenan) which, with some others on the same side, I hope the chancellor of the exchequer will think it his duty to answer and expose.—The speech delivered on the former part of this debate, by the three hon. gentlemen adverse to the measure, may, I think, be thus generally characterised:—the first learned gentleman, though entering largely into every part of the subject, dwelt most on the nature of the Roman catholic religion; the second gentleman (Mr. Alexander) chiefly animadverted on the evils to be feared from the influence of their clergy; and the hon. attorney-general drew his principal objection from the supposition, that if all were granted which the petitioners now ask, they would not even then be satisfied. To these gentlemen I would reply, in common, that they assume the authorities and facts to be almost exclusively on their side of the question; but that, to their authorities, we claim to oppose many of at least equal weight; and that facts, nakedly taken, divested of all concomitant circumstances, are not only insufficient grounds of argument, but often lead to the most erroneous conclusions: they are like those productions of art, which, to be justly estimated, must be seen in their true point of view, and in proper lights; and many of these supposed facts, if brought into clear day, and shewn, unshadowed by the mists which passion and prejudice have thrown around them, would, I strongly suspect, appear under aspects very different from those in which they are now presented to our view.

———" Trifles light as air
Are to the jealous confirmations strong
As proofs from holy writ."——

It was a fact, that Cassio was in possession of Desdemona's handkerchief; and though the inference which passion drew was false, yet the consequence was fatal. Such a state of things as has existed in Ireland may be seen too near, as well as from too great a distance. Men, whose persons and families have been exposed to all the miseries of civil discord and insurrection, though of the best abilities, and with the best intentions, possessing, too, every advantage of local information, and so far qualified to form the most accurate opinions, can scarcely claim that other indispensable qualification of a judge, impartiality: their having been interested spectators of the scene, perhaps actors in it, incapacitates them in a great degree for determining as correctly as we may not unreasonably hope to do, with fewer opportunities of observation.—But to apply myself more directly to the argument of the first gentleman I have alluded to, I would remark that it puts an eternal veto on the proposition before us. While catholics remain such, they must, according to him, necessarily be kept in this state of suspicion and degradation! — and why? — because "the religion is unsafe, and its principles are immutable." It is unsafe, because it does not permit complete allegiance to a protestant sovereign, and destroys all the validity of those tests by which confidence is secured, and truth ascertained among men. These allegations, however, the catholics deny; they deny that they hold all the antiquated and absurd notions, which from the musty records of ages long since past, and councils almost forgotten, the hon. gentleman would fix upon them, for no better reason than the pretension of the Romish church to be not only universal, but immutable. — I know, sir, as well as that gentleman, that she has preferred this claim; I, too, have histories of councils and collections of decrees; but I also know that to be unchangeable belongs not to man, nor to his best modelled institutions, far less to those which vainly attempt to contravene the laws of nature. Nothing sublunary is permanent but those impressions stamped by the Creator on the human heart, which teach us to expect gratitude and love as the general consequences of benefits conferred, and discontent as the equally certain result of oppression:

" If this fail,
The pillar'd firmament is rottenness,
And earth's base built on stubble:"

but it cannot fail; nor can those reasonings be just, which assume that theoretical dogmas will, in the mind of man, for ever predominate over just and generous sentiments, over every feeling of integrity and truth. And this, sir, naturally leads me to that point in which the catholics appear to have met with treatment peculiarly uncandid and severe. Objections on the subject of oaths are taken against them, if not contradictory, at least inconsistent. If, from a regard to conscience, they refuse to renounce opinions which appear to them purely religious, they are instantly loaded with the imputation of disloyalty; from which, on the other hand, no protestations are allowed to relieve them, because they are affirmed to be men whom "oaths cannot bind." If this be the case, sir, let the legislature be consistent; if catholics be thus incapable of being bound by moral obligations, if they be unsusceptible of any other restraints but those imposed by violence, let the penal statutes be re-enacted, or at least, let us consider whether it be worth while to keep in forced subjection such an irreclaimable race. But is this character justly ascribed to them? on the contrary, do they not protest against these imputations, and has not their conduct justified their denial? Have not thousands since the revolution endured heavy restraints and severe penalties, rather than take oaths which their principles forbad? Why, in our own days, have such multitudes of priests relinquished their property and their homes to avoid oaths which, if it were innocent to have evaded by a dispensation, it must have been even meritorious to have done so, when the interests of their church had probably been essentially served by their remaining at their posts? Do not such facts under our own eyes speak louder than a thousand arguments drawn from theory and hypothesis? But this is not all: our government has shewn that it entertains far different ideas. The majority of the inhabitants of Canada being, like those of Ireland, of the catholic persuasion, it was deemed the most natural and certain way of securing their allegiance, to infringe as little as possible on their laws and manners, and to allow to their religious opinions, not merely unlimited toleration, but a degree of establishment: and what has been the consequence? Has rebellion, or even uneasiness, been ever once heard of among them? No, surely; under every circumstance they have proved affectionately loyal. And the comparison of this case with that of Ireland almost demonstrates that the causes of disaffection should be sought for elsewhere than in the difference of religion, and that catholics will be good subjects to a protestant government if regarded with confidence, and treated with liberality.—Another argument of the same gentleman was, indeed, most wonderful; we were told that catholics cannot safely be admitted to the capacity of sitting in parliament, because, in that case, all the Irish members would instantly be catholic: that finding themselves unable from the comparative paucity of their numbers to carry any point openly, they would directly form a compacted junto, and compel the British minister to comply with all their demands; to give them, first, all the patronage of their own country, by which they would be enabled to turn the whole strength of it to their own nefarious purposes, and obtain next, the entire subversion of the establishment, civil and ecclesiastical, of the united kingdom! Could a more extravagant idea have been engendered by the most distempered imagination? Not to mention the libel it implies on these supposed Irish members, or rather conspirators, and on the English government; could any minister be weak enough so to comply, while he had five hundred and fifty-eight protestant members remaining, to whom these schemes of destruction might be revealed? If Irishmen could be found foolish and desperate enough to make such an attempt, can it be imagined that a minister could have been chosen by a protestant king, or tolerated by a protestant parliament, who should hesitate for an instant to discover and punish it? But it is mere waste of words to contend against such a chimera; much of what I have already said affords also a strong presumption against the existence of such a priestly influence over the mass of the people as is likely to produce any considerable mischief. Neither is this the present question, but whether any objection is to be thence deduced against acceding to the motion now before us; which, let it be remembered, is only for a committee to examine how far the requests of the petitioners may prudently be granted. Now, supposing it to be doubtful whether catholics might safely be admitted into the great offices of state, it is perfectly obvious that granting the capacity of enjoying all offices, does not confer the possession of one; their actual admission into office would afterwards entirely depend on the pleasure and discretion of the executive government. But, again, if this be too large a boon, is the evil apprehended from the influence of the clergy so enormous, as to render the admixture of a small proportion of catholic members in the imperial parliament an experiment too dangerous to be attempted? Why thus terrify ourselves with shadows, and sacrifice justice at the shrine of an irrational fear? But, "grant all the petitioners ask," says the hon. attorney general, "and they will not then be satisfied; why then risk any thing unless you are determined to go to the full length of establishing their church and clergy?" Perhaps, sir, to grant even this in some degree, might not be unwise; it certainly would not be inconsistent, since a college has already been endowed for their education: at any rate, I should think that the additional power they would gain by our acceding to their present request, would not afford them the slightest chance of forcing from us what farther we might think it unsafe to grant; while, in the mean-time, they would assuredly be better satisfied, more amalgamated into the same mass, more disposed cordially to co-operate in every measure for the common defence, in every thing tending to promote the general welfare. In a word, by such a compliance with their wishes, love and gratitude would be substituted for aversion and fear. By introducing some Irish catholics into this house, misconceptions would be mutually removed, asperities would be gradually softened down. We should come to know each other better, and might expect to reap, at a much earlier period, the advantages of a substantial union, intimate and complete.—In maintaining this cause, sir, I cannot be supposed to be actuated by any predilection for catholics or catholicism as such: I am a protestant dissenter, and possibly at the very farthest distance from them in religious sentiment, both as to discipline and doctrine; but, firmly persuaded that every man has a right to enjoy and profess his respective opinions, without being therefore subjected either to reproach or disabilities, I undoubtedly must sympathize with them. Beyond this, I trust, that I have for them a more liberal feeling, as for persons much misrepresented and unjustly calumniated. My personal acquaintance among their body has not been extensive, but in those I have known, never should I have been able to detect their religion by any immorality in their practice beyond the common frailties of man; and in candour I would desire of their most strenuous adversaries to say, if they have found their catholic acquaintance deficient in the performance of the relative duties, faithless in the daily intercourses of life, men not to be trusted on their words, or even their oaths: Who, sir, will disgrace himself by throwing out such an accusation?—If then, sir, the objections which have been alleged have no more force than I imagine them to possess; if the spectres which have been conjured up to affright us have no real existence; if the petitioners be men of like passions and affections with ourselves; if refusal will embitter, and compliance will soften and attach their minds; and if at the present moment it be of peculiar importance to bind to us by every tie so large a mass of our fellow subjects; let us endeavour to overcome what may remain of prejudice in ourselves or in others, and, by proceeding to the farther consideration of this most important subject with a temperate and prudent liberality, do our utmost to secure to the empire that union of every hand and every heart, on which our quiet, our prosperity, and perhaps our very existence may depend.

Mr. *Lee.*—The question now under consideration appears, sir, to me, to be the gravest and most important that ever was debated within the walls of parliament. It naturally arises out of the act of union, and should have been maturely considered before that measure was adopted. I will not assert, that while that plan was in agitation, this concession to the catholics was expressly stipulated; but I never heard it denied, that there was at least an understanding on the subject. Not having the same opinion of the benefits of that project, as many others seemed to entertain, I had some hopes that it might have been averted, till I observed that these expectations were held out by the right hon. gent. who proposed this measure, in a speech so replete with reasoning and eloquence, as would have done honour to the brightest æras of Greece or Rome. The right hon. gent. then said, that the disproportion which before existed between the persons professing the catholic and protestant religion in Ireland being done away by this measure, afforded a chance that the same objections would not be made to the catholics having a full participation in the British constitution. That speech, many of us knew, made a very deep impression on the minds of the Irish catholics; and, having carefully attended to all the debates which took place at that time, I could not help observing, that there was no gentleman in this house who made a stand upon that point, or endeavoured to obtain a pledge either way upon it. I was also present in this house, when the right hon. gent. was questioned as to his reasons for resigning, and recollect his having answered, that he did so in consequence of being unable to carry a measure which appeared to him essential to the public welfare, declaring at the same time, that he owed too much to his royal master to press the subject on him, and that he should think it his duty to oppose it, if it came from any other quarter; and this was, I think fair parliamentary ground. At present, though I am from principle determined to support the motion since it has been submitted, I must now declare, that I think it wrong in the Roman catholics to bring it forward at this moment. I should even support the repeal of the test to the dissenters, if that were now the question; though, undoubtedly, the argument of numbers does not apply to them in the same manner as it does to the Roman catholics of Ireland, who in point of rights, must be acknowledged to be one short of their due proportion. When you consider, that, on the lowest calculation, the catholics of Ireland compose three millions out of five of the inhabitants of that country, and are rapidly increasing in wealth and consequence, you cannot shut your eyes to their situation, and your own sense must make up your mind to grant at some time what is impossible to be avoided. I freely confess, that I have not the least idea of the measure succeeding at present, and am very well convinced that the Roman catholics themselves do not expect it. In their private conversation, they do not affect to think that their wishes will be immediately complied with. They say, that in time it will work its way, by the force of reason, but that they cannot expect the protestants at once to throw away those bulwarks which they so carefully raised against them. The effect of it is sure, however slowly it may operate. I remember myself, that when a bill was brought into the

Irish parliament, for the purpose of indulgence to the catholics, there were only thirteen members in the house who voted in favour of it; and yet such was the general agitation, and such the strong sensations excited by its agitation, that the government was soon convinced that something must be done upon it. The country at that time was not well governed; and, towards the approach of the ensuing session of parliament, when it was expected the measure would again be brought forward, emissaries were sent down by the administration to procure resolutions and petitions from the different county grand juries against it; and they succeeded. But the catholics seeing no hope of success when the Irish government was against them, came over to England and petitioned the throne. Every thing was in readiness for opening the session of the Irish parliament. The speech from the throne was prepared, and every resistance to the catholic claims determined on. But his majesty was graciously pleased to favour the petition, and an alteration for the intended speech was transmitted to Ireland, with a recommendation in favour of the catholics. The change of opinion that took place was equally violent and sudden. These very grand juries in the different counties who had assembled, and agreed in resolutions against the claims of the catholics, in a short time after were themselves the first who voted in their favour:—and thus the grand juries and the parliament were disgraced. I remember when I was laughed at for saying the catholic claims must be granted, by many of those persons who in a very short time afterwards voted in their favour. The Irish parliament, in my opinion, acted on that occasion with great prudence, in not granting them the whole of what they asked for at once; and so much inclined am I to this gradual extension of privileges, that, should the house go into a committee on the petition, I should be averse to granting all their demands, though I would agree to members of that religion sitting in both houses. No man, who values the constitution, can approve of three millions of his fellow subjects being unrepresented in the parliament; but it was very well argued by the hon. mover of this question, that the catholic body is not even virtually represented, though the members of it are allowed to possess the elective franchise. I will even put it to the learned and hon. gent. near me (Dr. Duigenan), whether, if his constituents were of that persuasion, he could be considered as the organ of the catholics? My hon. friend may be a very good protestant; but certainly no very fit representative for the catholics. All the evils apprehended from giving them seats in parliament, are now no more than fanciful and chimerical. It was formerly said, if you give the catholics the elective franchise, the consequence will be that they will vote for no member without putting him to a test that he will be obedient to their purposes. But they have since obtained the franchise, and no such tests or other consequences have been known to happen. It turned out to be no more than a phantom of distant danger, which vanished as you approached it. All the danger that can happen has already been incurred. You have given suffrages to, and put arms into the hands of, persons but slightly educated, and most liable to entertain the prejudices you are so much afraid of; and refuse privileges to the higher orders, whose minds are enlightened, whose principles are more sound, and who possess the greatest stakes in the country.—My hon. friend has at all times opposed the catholic claims, not as a question of policy, but as a question of religion, and in support of his opinions he goes back to musty records and obsolete councils, and the ages of ignorance and bigotry. But will any man in his senses seriously compare the opinions of the catholics of the eleventh with those of the nineteenth century? Have not the protestants themselves changed their tenets and opinions with the revolutions of time? Are there not new sects of dissenters springing up every day? In this age of rapid and progressive improvement and cultivation of the intellect, are we to be gravely told, that the catholic mind alone stands still, and that the people of this day are to be convicted because their ancestors 600 years ago were bigots? If so, let me ask again, who is the man amongst us who might not be equally condemned upon the same principle? While arts, sciences, and manufactures improve, it would be hard if the human mind alone, and peculiarly the catholic mind, remained where it was, and that men in this age should be tried by a few foolish resolutions passed in the council of Lateran. It has been said, that if the catholics were once admitted to an equal participation of rights, their first step would be, to overthrow the protestant government. I, however, am so far of a contrary opinion, that I can never conceive the union of the two countries, or British connexion, safe, while three millions of our fellow-subjects are held in political bondage. The strongest security you can give to the protestant establishment, is to reconcile to it three millions of your fellow-subjects, who conceive that they are unfairly treated. Nothing appears to me so evil, so extravagant, and so unreasonable, as to suppose you can keep such multitudes always quiet, unless you are determined to redress them. Nor was there ever any thing more difficult for you to do, than to legislate for those whom you refuse to reconcile, and to whom, according to the speech of the hon. member, never under any circumstances can further concessions be made, nor any change be effected on the protestant mind in their favour. Many persons have expressed their surprise, that although the reformation extended itself so rapidly in England, it made so little and such slow progress in Ireland; but a little reflection will soon resolve this problem. It is allowed that the same means have not been used in one country as in the other, for making the reformation take root. We have records and testimonies in abundance, to show that in times comparatively remote, Ireland was conspicuous for its civilization and literature; but the reign of Henry VIII., when the reformation commenced, was one of the darkest ages of that country. There was another cause which did not less operate against the progress of reform. When the monarch already mentioned first attempted to extend it in Ireland, it appeared, from the letter adressed to him on that occasion by the Irish master of the rolls, that the sovereign's government did not extend beyond twenty miles from Dublin, and of course his influence was proportionably contracted. It was bad policy to attempt at the same time the conquest and the reformation of the country; and yet the reformer travelled with the sword in one hand and the reform in the other. It is therefore manifest that the regular order was inverted; for the king should have conquered the country first, and endeavoured to convert the inhabitants afterwards. Here the reformation was propagated by argument and reason. The reformers preached to the people in their own language; they listened to the voice of reason, and were in time convinced. In Ireland the reformed religion was preached in a language not understood by the natives. The method taken was, to propagate it by the sword, which has seldom proved the fittest instrument for making proselytes. In England the king had no competitor, and easily diffused his reformation amongst the people; in Ireland he possessed but a very limited authority, and the doctrines he wished to enforce were considered as coming from an enemy at open war with the people, their habits, customs, and prejudices, and therefore were opposed and resisted by them. The impolitic oppression exercised in Ireland was a further obstacle to its progress. Henry passed a law prohibiting the English settlers from intermarrying or fostering with the natives. As this word fostering has an application in Ireland different from what it has here, it may be right to explain that it refers to the poorer sort of the females suckling the children of the rich, which, in that country, is productive of a kind of intimate intercourse and connexion. It is also to be observed, that it was the same parliament of Henry that promulgated the reformation, which also passed this prohibiting act, which violated all the manners and customs of the people. In every respect the proceedings in the two countries were so extremely different, that the reformation was not allowed the same play in the one that it was in the other. When the king thought proper to shut up the monasteries, and destroy the monastic livings in England, he bestowed them, by grant, upon great landed men of considerable property, who commanded the respect of the people. In Ireland, on the contrary, he bestowed them on English settlers, and needy adventurers, whose interests were constantly at variance with those of the people.—Though the territory of the government, as I observed before, extended no further than twenty miles from Dublin, yet bishops and other clergy were sent over, who never thought of residing on their benefices; and instead of propagating their doctrines, had, in fact, no connexion whatever with the inhabitants. If the religion then adopted had been at that early period taught in Ireland, it would, no doubt, have had pretty nearly the same effect that it had here; but, in that country, it does not appear that any one ever attempted to teach it; nor was the protestant religion ever tendered to the people, except in the form of an act of parliament. But if Henry failed in the mode which he adopted for propagating the reformation amongst a people who could not understand a word of the English language, Queen Elizabeth hit upon a most notable project to remedy the defect; for, as the native Irish spoke no language but their own, and could not understand English, she ordered the Bible to be translated for them into Latin, and the church service to be performed in that language. It was well said by lord Clare, that any attempt to force men's consciences only made them hypocrites; and we find that force, instead of argument, was the instrument employed in Ireland. A law was passed, by which the eldest son of a catholic, who had a landed estate, might, by turning protestant, dispossess his father. What could be more detestable than this law, which was so well calculated to revolt the feelings of the people, by an unnatural power given to a son to shake off the dominion of his parent? This bribe, however, was not confined only to the eldest; but the youngest, or any other son, was also, by his conversion, afforded the bribe of seizing on his father's estates, and letting it gavel between him and his eldest brother. In this way it will be allowed, that both the king and his parliament took a most irreligious method of extending their religion, and prepared their converts for being good protestants, by first making them bad men. The free tenets of the protestant religion are of that kind that will always extend themselves with the progress of civilization; but you took the very worst mode of effecting this in Ireland. By prohibiting the education of Roman catholics at home, and excluding them from the university of Dublin, you have compelled the parents to send their children abroad, to be educated in foreign countries, where they were, of course, brought up in all the prejudices of the catholic religion, or, in other words, of popery. There were also several other acts which had a similar, and, perhaps, an equal tendency; but I shall not detain the house by reasoning on them at present. One great and leading objection which I have heard stated against the admission of catholics into parliament is, that the pope is allowed to have more power in Ireland than he is possessed of in other catholic countries; and by appointing the catholic bishops, he maintains that supremacy in the church which of legal right belongs only to his Majesty. I confess this objection has much weight with me—and I can see no reason why the catholics should not come prepared to concede some of their prejudices, when they call upon us to concede ours. This, in fact, seems to be the grand obstacle to the concessions they wish for; and I am not without sanguine hopes that it may be removed. Upon this subject I made it my business to converse with some catholic gentlemen of no small authority, and asked them whether they would have any objection to the bishops of their persuasion being nominated by his Majesty instead of the pope? And they all agreed that they could have no objection to it. What I should propose would be, that hereafter, whenever a see became vacant, the other bishops should assemble, and choose two or more candidates, whom they would recommend to that appointment, and leave the choice of the person to be determined by the king. Indeed I have good reason to believe, that, if the prayer of the petition was granted, the Roman catholics would cheerfully give up that point (A cry of hear! hear! from Mr. Fox and those members who surrounded him), as well as make whatever other reasonable sacrifices the circumstances of the case may be thought to require; for I must maintain, that they can have no right to seats in parliament, while they continue to take their bishops from the hands of any foreign power. I cannot, however, but think that the catholics would be very well satisfied with this arrangement, and I make but little doubt that many of the opposers of their emancipation would relax in resistance, and consent to agree to it, upon this condition. To speak plainly, indeed, I should wish to ask of the hon. gent. (Mr. Fox), who must be in the confidence of these gentlemen, by their selecting him to present their petition, to what extent the catholics would go in this respect, and what are the points which they would have no objection to give up? I hope the house will bear in mind, that when these Roman catholic laws were passed, they were not directed against the catholics as such, but were laws enacted against popery and slavery; for James II. who was the source of them all, was himself a tyrant and a bigot. The laws, therefore, wore a double aspect, as intending to protect the subjects of these realms against both. As to the prospects generally attributed to Roman catholics, for the subversion of property in Ireland, I am, in my own mind, perfectly convinced that they do not entertain the most distant idea of ever restoring the estates that were confiscated from their ancestors. The best proof, perhaps, that could be given of this is, that since the Roman catholics of Ireland have been allowed the liberty of purchasing lands, they have almost invariably been solicitous of purchasing those that formerly belonged to their forefathers, which they certainly would not do if they cherished the hope of ever receiving them back in any other manner. I once very strictly inquired of a lawyer in Ireland, a Mr. Sankey, who was very much employed in making these purchases of forfeited estates, whether he knew any instance of the descendants making any objection to the tenures by which such forfeited estates were held? His reply was, that he never once knew a single instance of it. It is a vulgar error into which the learned gentleman (Dr. Duigenan) has fallen, when he told us that the catholics of Ireland had maps, by which they could trace the boundaries of the estates once possessed by their ancestors, in the expectation that they would, on some future day, have an opportunity of reclaiming them. The fact is, sir, that the map of all these forfeited lands is kept by the auditor in the castle of Dublin, is accessible to every man who chooses to inspect it, and is daily produced in the courts, to ascertain disputes respecting boundaries. The history of this map is pretty well known. It was drawn by Sir William Petty, after the old one had been taken away by king James II. and carried into France, where an accredited agent from this government (General Vallancy) was some time since sent to procure a copy of it: it is comprised in twenty-four folio volumes: and from this it will be seen, how idle the story is, that catholics are at the trouble of keeping maps privately, with sinister views, when the real one is accessible to any one who applies for it. The great point then, sir, which I have in view, is to show, that, as the reformation, now in existence nearly 300 years, has hitherto made such slow progress in Ireland, (for there are still three millions of catholics in that country unconverted,) hence it is obvious that the system you have adopted has failed of its effects, that it must of course be wrong, and that it is high time to change it. The surest method we can take to advance the reformation is, by treading back the steps of our ancestors, and by undoing much of what they have done. If then we are to measure back the steps of three hundred years, we cannot be surprised if much time shall be required in advancing. One thing, however, is clear; that if we expect to convert three millions of people into good protestants, it must be done by argument, and not by force. This great question has now for the first time come before us, and I trust the full discussion it has undergone, and the moderation and sound argument displayed by its advocates, will not fail to have their due weight, and to conquer in due time here, as they have before done in Ireland, the prejudices existing against a measure, which, I am thoroughly convinced, would consolidate the strength, unite the attachments, and render impregnable the security of these realms.

Sir *William Scott*, after some preliminary observations, spoke in substance as follows:—The hon. mover of this question has affected to distinguish between the civil and religious institutions of the country, as if they were capable of complete separation: the practice, however, of all civilized states, has fully demonstrated that they are so intimately united, that to attempt to sever them would be in reality to destroy them. A luminous and eloquent political philosopher (Mr. Burke) entertained ideas directly opposed to such a doctrine. "This principle" (that of attachment in the people of England to their religious national establishment) "runs through the whole system of their polity. They do not consider their church establishment as convenient, but as essential to their state; not as a thing heterogeneous and separable; something added for accommodation; what they may either keep up or lay aside, according to their temporary ideas of convenience. They consider it as the foundation of their whole constitution, with which, and with every part of which, it holds an indissoluble union. Church and state are ideas inseparable in their minds, and scarcely is the one ever mentioned without the other." They are so far joined, that the idea of the one almost necessarily impresses upon us the recollection of the other; and church and state so imperceptibly flow into each other, that the connexion, even to the organ of speech, is perfectly familiar. This fraternal relation is not a novelty in our history, it grew up in the most early periods of it, and was firmly combined in those times when the liberties of this nation were effectually secured. After our sacred institution had endured many desperate assaults, it rose with renewed strength from the conflict, and we were destined to enjoy the blessings not only of a free but of a protestant constitution. In the same charter in which the sovereign appointment was given, in which the rights of the subject are declared, it was said, this kingdom shall be for ever protestant. And "esto perpetua" is the earnest prayer I shall offer for the safety and happiness of my country. But the principles now advanced are calculated not to preserve, but to impair the constitution we have received from our ancestors, and to sacrifice to experiment the invaluable privileges by which we have been hitherto distinguished. By what provisions is this constitution to be secured? By the fundamental laws of the country. What are these laws? The king must be a protestant. He can marry none but a protestant. Was this to lull to repose the conscience of the sovereign? Was it for his personal comfort in this life, or his happiness hereafter, that these restrictions on his very thoughts were ordained? Certainly with no such design: it was for the protection of these realms from the dangerous consequences of catholic innovation. It was, in such a country as this, guarded by such legislative precautions, with regard to the opinions of the prince, that if no distinct provisions had been made, the general maxims resulting from established law, would be, that all the great officers of state assisting the monarch in the discharge of his high functions should be protestants. It was required, that the supreme magistrate should be of that persuasion; and were not the representatives of his august power to entertain the same religious sentiments? In order to preserve the system inviolable, it is not only expedient, but necessary: whatever may be the situation or the policy of other states in this particular, in England it is prudent, from peculiar circumstances, to preserve this restraint; because, from the nature of our limited monarchy, the incumbent of the throne may be in the exercise of a very small portion of power; almost the whole actual authority, and the responsibility, may be delegated to his ministers; and what would be the perils that might await us, if they were the slaves of the catholic superstition? It is on such grounds that I consider it not a matter of doubt, but of conviction and certainty, that to permit these privileges to be extended to persons of the romish faith, would be to infringe the fundamental maxims of our glorious constitution. A protestant king, surrounded by catholic ministers, would be a solecism in fact, as well as in law; for their must be a perpetual contradiction between the duties of the one and the other. It is an important function of the great officers of state to attend with zeal and vigilance to the protection of our church establishment; but how could this obligation be discharged by those who deem it to be absurd, pernicious, profane, and fanatical? It is true, I am not enabled, as many others are, from intimate and local knowledge, to speak to the present question; but if the premises I have assumed are at all correct, the objection to the motion before the house is paramount to all the inferior circumstances of accident and locality. The hon. gent. (Mr. Fox), in his introductory address, told the house, that from some unfavourable events, the grants already made had produced the effect that might have been naturally expected; and this disappointment he used as an argument for new concessions. In my mind, it operates in a way precisely the reverse: if what has been already given has not been beneficial to the persons to whom the donation was extended, there is little expectation that by them any future advantage from the proposition will be derived. An hon. member, who is an eloquent advocate of the cause he asserts, (Mr. Grattan), has intimated there would be danger of separation between the sister islands, if this motion were rejected. In such a declaration he may have said much for the courage, but very little in favour of the loyalty, of the people of Ireland. I had hoped we should rather have seen some proofs of their gratitude and attachment for what has been conceded, than any indications of disgust and alienation for what is with-held. If I may make a comparative observation on the feelings of the catholics of the two countries, I should consider the disposition manifested by the English papists as much the more honourable, although the laws now complained of are more onerous to the English than to the Irish of that profession. The proportion of gentlemen of distinguished families, who are catholics, is much greater among the former than among the latter; and hence the laws which restrict them from the executive and legislative situations are to them peculiarly severe. It has been said, that the subjects of that persuasion are deprived of their civil rights. True it is that one of the princes of the house of Stuart has been driven from the throne for misconduct; but upon what principle were his successors excluded? It was because they were attached to the popish religion; the protestant faith has become a necessary part of our constitution, and we could not be governed by those who were inimical to it. The house has heard much of virtual representation, and it is pretended the catholics of Ireland are not represented; but nothing is more manifest than that they are admitted to the complete exercise of the elective franchise: and in this respect, at least, they enjoy every privilege possessed by protestants. I have understood that the hon. mover of this question is preparing the history of a very important and eventful period in the annals of this country. The favourite chapter to which I should direct his attention with peculiar pleasure, would be that in which so enlightened an author must contemplate the benign effects of the protestant religion, as conducive to the peace, order, and happiness of the community, and to the integrity and glory of the British constitution. The true question now is, if the privileges granted to catholics are to be extended? The parliament of Ireland has acted with great wisdom in regard to this enquiry, and has granted to them all that was either necessary or discreet. But the hon. gent., on the contrary, says, because we have given so much, we ought liberally to make them a present of the rest. The converse of this I shall rather maintain, because he cannot consider former generosity as a just motive for future prodigality.—However, if more should be fit to be conceded, a reason less inconvenient might be easily discovered for the donation. The discretion of our ancestors has erected a strong barrier to protect the constitution; but we are now required to admit the catholics, and for this purpose to hurl down this stupendous monument of their industry and wisdom, to which I can never agree.

Mr. *Grattan* explained that he had not intimated the probability of any separation of the two countries, if this motion were rejected.

Sir *W. Scott* said, he certainly so understood the hon. member.

Mr. *Grattan.*—I said, if the parliament assented to the calumny propagated, that the catholics were traitors to their king and country, it would lay the foundation of such a separation. It was not the rejection of the petition, but the adoption of the calumny, to which I adverted.

Doctor *Laurence.*—It is with regret, sir, that I differ on any subject from my right hon. and learned friend, who last addressed you. But whatever satisfaction I should feel in agreeing with him on other occasions, I should indeed be sorry if I did not differ from him on the question of this night. For I could not look with the same pleasure to our happy constitution, which is justly the pride of this country and the envy of the world, if I could suppose it compatible with its principles, that so great a proportion of my fellow-subjects should be put under the ban of the empire, and eternally excluded from the most valuable of its privileges. It appears to me a most glaring inconsistency on the face of the proposition itself, that an equality of rights and of protection should be, for ever, denied to the catholics, at the same time that an equality of duty and allegiance is demanded from them. My right hon. and learned friend has drawn arguments in support of his opinion from the principles of our constitution, as laid down in the settlement which followed the glorious revolution. But here he has not exercised his usual fairness and candour. He has rested all his reasoning on a single, indefinite, and equivocal word, of negative description, which seems to favour his position, while he has passed over all that part of what he calls the charter of the revolution, which would at once have shewn the fallacy of the whole argument. According to him, the fundamental principle of our constitution, as then established, requires merely that the king should be a protestant, and marry a protestant; and thence is deduced the conclusion, that all the great officers of state to whom the exercise of the royal functions is delegated, and every member of every branch of the legislature must be also protestants. But is not the position with which my right hon. and learned friend sets out, a plain sophism? It contains indeed the truth, but not the whole truth. Lutherans, Zuinglians and Calvinists, Baptists and Anabaptists, Quakers and Menonites, Muggletonians, Swedenburgians, and I know not how many sects beside, are all of them protestants; but does my right hon. and learned friend mean to say, that a monarch, who should profess himself to belong to any of those protestant sects, could lawfully hold the crown of this realm? I am sure, he does not. By the coronation oath, by the act which settled the succession in his majesty's august house, the king is as much bound to be a member of the church of England as established by law, to the exclusion of all other protestant churches, as he is forbidden to hold communion with the see or church of Rome. The consequences therefore, which follow from those fundamental laws of the state must operate equally against one description of dissenters as against another, against protestant and papist alike. My right hon. and learned friend must push his argument of proscription to the same length against both (and he has not attempted it; he could not attempt it), or the argument is good for nothing against either.—As an authority of the greatest weight in support of his position, my right hon. and learned friend has had recourse to a celebrated work of an illustrious friend of mine, now no more; whose memory will ever be cherished next my heart; whose virtues as well as talents will ever live in my fondest regard and most reverential admiration; a political philosopher, no less enlightened than eloquent, as my right hon. and learned friend has truly described him; a statesman, whose loss his country has every day more and more reason to deplore, as a public calamity. In these feelings I know that my right hon. and learned friend fully participates. He assents to the observation. I would, sir, that I could have had the gratification of tracing what he now avows, in the use, which he has just made, of the beautiful passage extracted from "The Reflexions on the French Revolution." For how is it applied in the context, where it stands? In any way, that bears upon the present question? No, sir; not in the most remote degree. It merely asserts the close and intimate connexion of a religious national establishment with the civil constitution of the state, in the system of polity derived to us from our ancestors; holding up the example of this country in contrast to the conduct of the demagogues in the national assembly of France, who were systematically plundering, defrauding, vilifying, degrading, and persecuting the ministers of the very religion, which they at the same time professed to acknowledge as the national church. It has no immediate reference to the peculiar and distinctive character of our religious establishments. But my right hon. and learned friend has violently torn it from its place, to make it the foundation of his objections to the present measure of relief; a measure which the great authority himself, to whom he appeals, never ceased from his first entrance into public life to the moment of his death, to recommend and to urge as the surest means of improving and consolidating the prosperity and strength of the empire. Nearly half a volume in the collection of Mr. Burke's works is occupied with the discussion of the very subject, on which we are now engaged. My right hon. and learned friend must have known this. He is too sincere an admirer and too diligent a reader of the compositions of his deceased friend (for such he was) to have overlooked so large a portion of his labours. But in truth, sir, he has only manifested his accustomed judgement and discretion in not directing your attention to that quarter. For there you will find the whole speech of my right hon. and learned friend, anticipated, and will he allow me to say? triumphantly confuted: there, while it is again admitted to be a fundamental law of the constitution, that the church of England should be united and even identified with it, yet a just and solid distinction is drawn between fundamental laws themselves, and laws of regulation only, made from time to time for the support of what is fundamental; there, the radical defect of the argument which represents the king as simply a protestant, instead of a communicant of the church of England, is largely examined, detected, and exposed; there in short, the errors, into which my right hon. and learned friend appears to me to have fallen, are attributed to a confusion of reasoning most alien to minds like his, and belonging only "to the metaphysicians of our times, who are the most foolish of men, and who, dealing in universals and essences, see no difference between more and less." Indeed, sir, after all, I very much fear, that my right hon. and learned friend has only been dressing up in more decent apparel a set of idle vagabond fallacies which have been already more than once whipped through the town as public cheats and impostors. I cannot however dismiss this topic without one word of serious complaint, painful as it is to me to address it where I must, on behalf of him, whose voice is now for ever mute in the grave; I cannot refrain from declaring at once my surprise and my affliction, that from one, whom he esteemed, and who esteemed him, he should now experience the treatment, which he was too much used to receive during his life from the least respectable of his adversaries; that his opinions should be imperfectly and partially quoted, to hold him up to the world, as inconsistent with himself.—But let us, now, sir, look a little into history: let us see at what period those incapacitating statutes, from which the catholics most wish to be relieved, had their origin: let us more especially enquire when the doors of this house were first shut against them. Was their exclusion from parliament coeval with the reformation itself? Did it take place in consequence of any solemn and enlightened revision of the constitution? No, sir; it was the very reverse of this; and my right hon. and learned friend knows, that it was so. It was not till after the lapse of nearly a century and a half from the rupture between Henry the VIIIth, and the pope; it was not till the latter end of the reign of Charles the IId, when serious danger was apprehended to our civil as well as religious liberties from the expected succession of James to the crown; it was not till the ferment excited by the publication of what is called Oates's plot (which every man of sense and learning now knows to have been a most infamous and barbarous forgery) had let loose a noxious spirit which overcame the reason of some of the best and ablest men in the nation; that, in a moment of insane rage and terror, an act was passed to exclude all catholics from parliament, because the commons could not then obtain, what by the revolution they did obtain, the exclusion of a catholic from the throne. Yet even then the measure was not extended to the catholics of Ireland; to those, be it remembered, whose descendants are the actual petitioners now before the house. And why was it not? We have, sir, the most indisputable testimony on this point. It comes from the lord-lieutenant himself, the duke of Ormond, who informed the earl of Arran, that he did not chuse to assemble the parliament of that kingdom, "chiefly on account of the severity of two bills transmitted against the papists, the one taking away the votes of peers, while they are papists, and the other inflicting death upon a certain sort of the papist clergy if found in Ireland, the one seeming unjust, the other cruel, and neither necessary." [Carte's Life of Ormond, Vol. II. p. 535.] And here, sir, suffer me for one minute to fix your attention on this invaluable document under the hand of a witness so much above all exception. In the first place, it establishes the fact, that catholics did then sit in parliament; otherwise how would it have been unjust to deprive them of that which they did not enjoy? And thus it sweeps away at once all the rubbish of violent and illegal resolutions, which the learned member who addressed you last night, raked together from the journals of the Irish house of commons in times of intestine confusion, which, if those unjustifiable regulations had even been carried into effect (though they do not appear to have been) would have vitiated all their authority. But, sir, it goes much further. It establishes the more important fact, that the catholics of Ireland, who down to the revolution held seats in both houses of parliament; aye, sir, and high places in the state too, had been found faithful to their trust. The lord-lieutenant, not a stranger sent among strangers, but a man, who during forty years had taken a leading part in the government of that his native land, and who had himself been a conspicuous actor in the suppression of that formidable rebellion and the retaliation of that pretended massacre, which at this distance of time some men affect to consider as an excuse for every mode of legislative persecution; the duke of Ormond, a lord-lieutenant so qualified as I have described him, pronounced "the severity of the law, which first excluded the catholics from parliament, to be contrary to justice, and warranted by no political necessity." Such then was the condition of the catholics in this essential respect at the epoch of the revolution. What then followed? Did the charter of the revolution touch the members of that church in Ireland? It was not till the third year of William, that they were excluded from the parliament of that kingdom; and it is notorious that in measures of penal restriction and prohibition against his catholic subjects, that great and wise prince did not obey his own judgment, but yielded reluctantly to the temper of the times. For his own proper sentiments we must look to his own proper acts. In the articles of Limerick, signed by his favourite general and the lords justices a little before the law which I have mentioned passed here, and in the ratification of those articles by himself, notwithstanding that law, we read the pure dictates of his own policy. He there engages himself to put the catholics, in regard to their religion, on the footing on which they stood in the reign of Charles the IId; and to endeavour, whenever he could summon a parliament in Ireland, to procure new provisions for their greater security. Nor is the sort of relief, which he designed for them, left dubious. There is an express stipulation, that no oath should be administered to them, save the oath of allegiance alone. Let me not be told that the parliament of England remonstrated against the articles of Limerick; let me not be told that the parliament of Ireland some years after defeated the purpose of them, by superadding the condition of the other oaths, which catholics could not conscienciously take. I know it; perhaps I may grant the abstract right of both parliaments to do what they did: but in them I see the operation of popular prejudices; in the conduct of the glorious champion of the protestant cause, and of the eminent statesman who advised him on these occasions, I see a deliberate system of wise and generous policy.—We will now, sir, with your permission, turn to the other main branch of the argument; it cannot detain us long:—I mean, sir, the exclusion of catholics from the principal offices of state. This was early done by the oath of supremacy enacted in the first year of Elizabeth. But do we discover there the slightest vestige of the high and solemn principle, which my right hon. and learned friend supposed to be recognized in it? Is that oath declared to be required, because in our limited monarchy, almost the whole actual authority of the king, and the "entire responsibility, may be delegated to his ministers?" Alas! sir, in that statute, justices and mayors are thought of sufficient importance to be particularized, but not a word is there of the great officers of state: they are huddled among the menial servants of the palace, in the general description of "persons having the king's fee or wages." The oath, however, at its original formation, was consistent with its professed object. It had a positive as well as a negative clause. It directly asserted the supremacy of the king, as well as abjured the supremacy of the pope. It was calculated to exclude the protestant as well as the papist dissenter. But at the settlement of the revolution, in the charter, whence my right hon. and learned friend concludes that all these immediate representatives of majesty as well as all the members of every branch of the legislature ought to be of the same religious persuasion with the sovereign on the throne, this very oath was new-modelled in compliance with the wishes of the protestant dissenters, to make it a simple renunciation of obedience to the pope.—You have already seen, sir, how little importance William the IIId attached to this oath, when in the projected settlement of Ireland on the capitulation of Limerick, he would have exempted his catholic subjects from that test. But Providence has preserved to us a much more perfect and authentic monument of the full scope of his benevolent disposition towards them, than any which has yet been named. It is a paper drawn up from the verbal communications of the king himself, revised by lord Somers, and approved by the united wisdom of the great statesmen, who were his colleagues. It was prepared with the view of being laid before the congress of ministers from all the principal courts of Europe assembled at Ryswick; and it is worthy of its authors, worthy of the dignity of the occasion for which it was designed, worthy of being had in remembrance and veneration in all time to come, as containing the best, the clearest, the soundest, the most accurate, the most convincing exposition, that ever has been written, of the fundamental principles of our happy revolution. Other parts of it, if I mistake not, I have formerly brought to the notice of the house; but my present business is with that only which relates to the subject of this night's debate. Hear then, sir, the leading maxim, which, in this respect, was the guide of William's counsels. "The king (says he) has at all times professed, that it was his fixed principle, that men's consciences ought not to be forced in matters of religion; but that these ought to be left to God. He has always acted pursuant to this rule; because he thinks it just in itself, and that it is a wise measure of government." Yet all this, it may be said, is no more than general profession. Be it so. Listen then to his sentiments on the very identical case now before you. He had been consulted by the late king concerning the repeal of the laws against the catholics: and what was his answer? He tells us that "he declared his thoughts very freely. He liked the motion of repealing them, which might have satisfied all those of that communion, as it did the most moderate of them. He did not indeed, think it adviseable to repeal those other laws, that excluded them from sitting in parliament, and from offices of trust. This proposition, if closed with, would have made the Roman catholic subjects safe and easy;" and in his estimation, ought to have made their protestant fellow-subjects also safe and easy. [Lord Somers's Tracts, 1st. collection, vol. 1. page 401, &c.] Even with the despotic and bigoted James on the throne, he would have deemed our civil and religious liberties sufficiently secured against the catholics by the two principal of the restrictions (for there still are many more) under which they at this day labour. He would immediately have advanced them to a better condition in society, than that, in which the benignity and justice of his present majesty, and the more enlightened and more generous policy of the present times, have at length tardily placed them, after more than a century of oppression, more especially severe in Ireland under a code devised with wicked ability to extinguish an ancient nobility and gentry, to sow discord among all the relations of civil society, to poison all the domestic charities, to beggar and barbarise the great mass of the population; a code, of which a faint resemblance can only be found in the persecution, which was begun against the Christian religion by its most subtle and dangerous enemy, Julian the Apostate. But would the liberal clemency of William and his ministers have stopped there? No; for he adds, "if they had behaved themselves so well upon such a favour, as to put an end to the jealousies of the nation, *they might after that have pretended to further degrees of confidence* with a better grace." To what further degrees of confidence? None would have remained to bestow, but to have admitted them into parliament, and the great offices of state; none, but to have removed what my right hon. and learned friend, considers as strong barriers erected by our ancestors to protect the constitution, as stupendous monuments of their industry and wisdom never to be broken down, never to be weakened and impaired: yet this would William and his ministers have done. Here then is an irrefragable answer to all the objections drawn from the principles of the revolution. We, who support the motion, have with us the explicit authority of those who planned, who conducted, who settled the revolution: and as my deceased friend once said that he did not wish to be thought a better Whig than lord Somers, so do I now say that I shall never affect to understand the principles of the revolution better than King William, lord Somers, and that band of eminent statesmen his colleagues, whose counsels laid the firm foundation of all which we have since enjoyed of power and glory abroad, or freedom and happiness at home. — In truth, all the topics taken from the distinguishing character of our religious establishment, as applicable to the present question, come much too late. This house, the other house of parliament, his majesty, all have long since and in repeated instances, decided against them. A learned member, who last night led the opposition to the motion of my honourable friend, represented the catholics as guilty of a sort of treason, because they refused to take the old test oaths! But if so, we are accomplices of their treason; for, in compliance with their scruples, we have remodelled those oaths and substituted others, which we consider as satisfactory pledges of their loyalty, except where we chuse to retain the old oaths in two or three particular cases, not as tests of their allegiance, but as the means of their exclusion. Much to our honour, we gave them the opportunity of publicly disclaiming the principles, dangerous to liberty and civil society, which had been attributed to them so long; and they availed themselves of it. They took, their clergy as well as laity took, the oath which we proposed. We bore fresh testimony to their good conduct by granting new favours, but accompanied by new and more complete tests; which, the house will be satisfied, were not carelessly or ignorantly framed, nor worded with too partial an indulgence to the catholics, when I mention, that the bill was introduced here by the present lord chancellor of Ireland. They conformed to this additional demand upon them. They did not shrink from these amended and enlarged tests. Whatever we held forth to them on terms which did not touch any point of their religious faith, they have ever cheerfully accepted; and on questions merely spiritual, I am sure, this house will never subscribe to the principle of forcing men's consciences. If then the catholics have satisfied us by every proof, which we have sought to obtain from them with a sincere desire of being satisfied, that they are attached, as we are to the happy constitution of our common country, is not that a powerful argument for giving them a more valuable interest in that constitution? Will you not for that reason think them capable of being admitted sooner or later to the full participation of all the rights and privileges of British subjects? No; says my hon. and learned friend, the attorney-general; never. Too much has been conceded to them already. If that be his opinion, why does he not act upon it? Why does he not move for the repeal of all the measures for relieving the catholics from disabilities, and for the re-enactment of all the restrictive statutes? In consistency he is bound to do so; for the argument he uses against the present claims of the catholics, will equally apply in support of a motion for renewing all the former disqualifications. But he is too discreet to make the experiment. He is well aware that the good sense of the house and the country will not go with him. From the reign of Elizabeth down to the present moment, whatever rigorous measures have from time to time been adopted against the catholics, none of them have been considered as fixed, permanent, immutable, fundamental laws, but as temporary securities against some immediate danger of the crisis either real or supposed. Now a practicable breach is made in all of them. Not one is entire. Some part of each has been taken away; and the last act of liberality, which the catholics on the recommendation of the lord-lieutenant obtained from the parliament of Ireland, acknowledged their general right to every thing; whatever was not actually granted, it with-held only as an exception, from the same supposed motive, which has been the declared ground of every relaxation, that of political expediency alone. — My right hon. and learned friend, however, not trusting altogether to his high doctrines of the constitution, endeavours to excite a personal feeling for the situation, in which a compliance with the petition might place his majesty. He tells us, that we should soon witness, what he denominates a solecism in fact as well as in law, a protestant king surrounded by catholic counsellors. I confess I am at a loss to discover the justice or the validity of such an argument. When we unfetter the royal prerogative, does it follow that we force upon his majesty catholics for his ministers and counsellors? Does it follow, that by extending the sphere of his majesty's choice, in the selection of his confidential ministers, or the appointment to places of power and trust, to so numerous a class of our fellow-subjects, we force any description of persons upon the throne? There is another class of dissenters, to which I had supposed that my right hon. and learned friend feels the same objection; I mean the presbyterians. Them, I had imagined, he looks upon as at least equally dangerous with the catholics, if dangerous they be. Now, sir, all the test laws in Ireland, which affected them, have been long since repealed. Yet while that island had an independent parliament and government of her own, how many of the great offices of state were filled by protestant dissenters? The noble lord (lord Castlereagh) whom I see near my right hon. and learned friend, can inform him how few: and if one or two have found the way into his majesty's councils, my right hon. and learned friend, while sitting there, is too polite, whatever I may be, to say that any mighty mischief has been in consequence sustained. Nevertheless, sir, the first rude shock which the protestant monarchy and church of England had to encounter, came from that description of protestants. My right hon. and learned friend has been pleased to anticipate the entertainment which he and all of us may hereafter receive from an imaginary chapter in the history which is believed to employ the pen of my hon. friend who made this motion; but I am a little surprised that he did not rather point out to our notice an important chapter in every history of England, which he seldom overlooks: I mean the reign of Charles the 1st. In consequence of the sad experience of those times, the test laws, in the beginning of his son's reign, were directly opposed to the protestant dissenters. The catholics had a breathing time. They were considered as inclined to the royal cause. But towards the end of the Long Parliament, jealousies and fears, not unwise, if they had not been carried beyond the bounds of reason and justice, were entertained of the catholics, and the protestant dissenters were zealous and active in the defence of civil and religious liberty. New regulations, therefore, of disabilities and incapacities were introduced to strip the former of the power of doing evil; and the latter, when success had crowned their exertions, were relieved and favoured. From whatever quarter the danger menaced, to that our ancestors turned. And certainly to our mixed constitution there are peculiar and characteristic dangers from each of the opposite description of dissenters. The catholics, from the scheme of their ecclesiastical discipline and their habits of obedience to those who are set over them, incline more to attach themselves to the monarchy; the protestant dissenters from their mode of discipline, and their corresponding habits, are more ready and strenuous in the maintenance of popular rights and privileges; yet I am sure that they may be equally serviceable, and each upon occasion eminently so, in their proper and well-balanced proportions of political weight and influence in this house, and in the state.—An invidious distinction, however, has been taken to the prejudice of the petitioners, because the catholics of this country have not preferred any claims. The situation of the catholics in Ireland is widely different from that of the members of the same communion in this country; and, even if it were not, will it be contended, that if the catholics of this country should never bring forward any claims, their brethen in Ireland should for ever abandon their equitable rights and just pretensions; or that these, in preferring their claims with moderation and submission to the legislature, should be suspected for improper motives, and charged with extravagance in their demands, because another body of catholics had not come forward with a similar application? Permit me, sir, most earnestly to caution you and the house against giving any sanction to the sort of practical dilemma, in which gentlemen are are too apt to place great bodies of men, for the sake of a turn in debate. Are they silent? Do they leave their case wholly to parliament without petitioning? Oh! then there is the old trite maxim, not to disturb what is quiet. There can be no real grievance, or the sufferers would complain. Do they complain? Do they address us, in the natural language of men who feel an injury or an indignity? Oh! then they are disaffected, they are factious, they are seditious, they are traitors; they mean by their numbers to overawe the legislature. Our own honour will not permit us to hear them. Oh! sir, there is nothing which so irritates men, which so embitters a refusal, as this sort of treatment, which leaves them no conduct to pursue with a hope of deserving redress. In the present instance, there are enough to shew, that there is among them a sense of the grievances, which they state, and enough to be objects of our voluntary liberality, always the most gracious; for in public, as in private life,

> "Sweet is the love that comes with willingness."

However if my right hon. and learned friend is desirous of having petitions from the catholics of England, let him move to adjourn the debate for that purpose, and I doubt not your table will soon be covered with them. —I proceed now to the set of objections, which my right hon. and learned friend, was too well-informed, too candid, and too judicious, to touch upon; I allude to what, for the sake of distinction, may be called the polemical objections. These have been left altogether, I think, to the impression made by the speech of the learned member, who first opposed the motion. And here I cannot help first taking notice of what fell from him, in commenting on a passage from a late publication. It is the more necessary to animadvert upon this part of the learned gentleman's speech, because his observations were calculated to cast a reflexion on the character and moral principles of a very respectable member of the catholic body now living, whom I name to honour, the Rev. Dr. Milner; and the charge of that learned gent. is wholly unwarranted either by the letter or spirit of the passage of the publication upon which he commented.* I perfectly concur in the position there laid down, "that every human law and every promise or other engagement, however confirmed by oath, must necessarily turn upon the cardinal virtue of prudence, which implies that it depends as to the obligation of fulfilling it, in such and such circumstances, upon the question of expediency:" but this prudence, in the acceptation of Dr. Milner, and of ethical writers in general, is not a selfish principle which employs itself in weighing interest against duty, but a virtuous principle which weighs one duty with another when they seem to be opposite, and decides which of them, in this place and at this time, is to be tulfilled: a principle not variable with the caprice or interest of a sect, or of the individual, but unchangeably founded upon the eternal basis of truth and justice. The false and wicked deductions drawn by the revolutionary jacobins of France, from the maxim of considering "the immutable laws of nature and of God as paramount to all subsequent obligations," form no argument against the maxim itself; as in fact the conscientious obligation of every human law must rest upon this eternal and immutable law of nature and of God, or it can rest upon no principle at all. Suppose, for instance, in the case of a man having bound himself by oath to deliver a sword or other destructive weapon to his friend, he should, at the moment when he is about to present it, *prudently judge* that his friend intends to make a fatal use it, either for his own destruction or that of some other innocent person.—[The attorney-general across the table, "I admit that in such a case an oath would not be obligatory."] But I must tell the hon. and learned gent. that this is not a case of my own imagination, but the identical case which Dr. Milner has proposed, by way of illustrating his doctrine concerning the prudence to be adopted in considering the obligations of oaths; to which so much objection has been made. This is the expediency (it is his own word in stating the case) of which Dr. Milner speaks. The misrepresentation, however, does not rest here. There follows in the pamphlet a reference to a passage, where the reverend author before had regularly discussed the whole doctrine of promissory oaths and accurately stated the four cases in which canonists deny their validity. And what are they? Why, when the object of the oath is unlawful:—when the object obstructs any good evidently greater:—when it is impossible to be obtained:—and, lastly, when it relates to some ridiculous idle thing which tends neither to the honour of God nor to the benefit of man. Now, will the learned member dispute the principle of any of these exceptions? If he will, I must forewarn him that he will find himself in opposition to some of the brightest luminaries of our church. For bishop Jewell is not the only one who has written huge volumes on that branch of moral science called casuistry, than which, in my judgement, no part of ethics is more important as none is more delicate, though perhaps he is the best man who, where his own good faith and his own interests are concerned, is least ready to have recourse to distinctions in his own favour, and most ready to allow them in estimating the conduct of others towards himself. At present, however, we are to consider the rules themselves and not the application of them; and the propriety of the general rules on which the exceptions proceed, I do not believe that the learned member himself will controvert. What then ought he not to feel of shame and confusion for the unfounded slander, which he conveyed to the apprehension of a great majority of the house, by a false emphasis laid upon one equivocal word, a marked pause after another of the same kind to fix it more deep in the memory of his hearers, and a suppression of all the most material explanation, which the author cautiously added to preclude the possibility of mistake? What, let me also ask, of displeasure and indignation ought not to be felt against the learned gent. by those, who were betrayed by these unworthy tricks of debate, into acclamations, and cries of assent to the calumny of his misconstruction; and how guarded ought they not to be in future, that they may not again suffer their judgments to be led astray on these subjects by garbled and partial extracts from any pamphlets or works whatever. [Mr. Pitt here nodded a marked assent to the position.] If I do not misinterpret some indications which I perceive, I flatter myself, sir, I have fully succeeded in satisfying the house that the learned gent. took an unfair advantage of their confidence in his character; and that the passage, when considered with the context, means only, what no moralist can deny, that any obligation of a mere human nature, is not binding when contrary to the fixed and immutable laws of God.—The learned gentleman, sir, has also used the same measure of candour and impartiality in his quotations from the writings of other living characters, Dr. Troy and Mr. Plowden, whose assertions, in their respective productions concerning the unchangeable nature of their church, apply merely to her doctrine and not to her discipline. In fact, truth, which is the subject of doctrines, is ever immutable; whereas rules for men's conduct in certain situations, which are the subject of discipline, must vary with such situations and circumstances. But he was eager to get, and therefore he little regarded how he got, to his old and favourite topics, the fourth council of Lateran, and the council of Constance. For more than a century, the council of Lateran and the council of Constance have been the hackneyed burthen of the song to all the political and polemical disputants, who have argued with the same passion and prejudice on the same side with the learned member. At the mention of the council of Lateran and the council of Constance, we are expected, it seems, at once to surrender our reason, as to some magical panic. The eternal blazon of the council of Lateran and the council of Constance is to throw us into a paroxysm of poetical terror,

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* "The Case of Consience solved, or Catholic Emancipation proved to be compatible with the Coronation Oath;" published about four years since, when the difficulty which is understood to agitate the royal mind was first impressed upon it.

> "To harrow up our souls; freeze our warm blood;
> Make our two eyes, like stars, start from their spheres,
> Our knotty and combined locks to part,
> And each particular hair to stand on end
> Like quills upon the fretful porcupine;"

It is to diffuse public and universal dismay;

> "And fright our isle from its propriety."

Yet really, sir, if we could but calmly look around us for one moment, we should discover that we may very quietly pursue our own course as we will, without fear of harm either from the council of Lateran or the council of Constance. With regard to the former it might be sufficient to remark, that it took place some centuries before the reformation; and consequently, that its regulations, which were almost exclusively framed for the discipline of the church in those days cannot afford any authority on a question, respecting religious differences which had not any existence then, nor till so long a time after that period: two canons only out of seventy (I believe that is the number) contain any point of doctrine, or in other words, any thing which catholics consider as of a fixed and irreformable nature; and in those two there is not a single sentence that to my apprehension involves any position capable of becoming "dangerous to society and civil liberty;" not a syllable about deposing kings, or not keeping faith with heretics.—However, sir, if upon this slight and distant view, you have a little recovered your natural courage, and can venture to commit yourself to my guidance, we will approach a little nearer, if you please, and endeavour to take a more distinct survey of the features of this hideous goblin. Be assured, we shall find the decent horrors with which the grisly apparition is graced, to be like the battlements of fire, and menacing dæmons, of which we read in romances, that recede and vanish, when you advance upon them with resolution, and sometimes change suddenly to scenes of allurement and delight.—The profession of faith, with which the council of Lateran sets out, keeps in view the model of the Nicene creed, though with considerable additions in a style of discrimination perhaps a little too metaphysical for a standard of popular belief. It begins by acknowledging in effect, "one only God, the Creator of evil as well as of good spirits; the Maker of our bodies as well as our souls; the Giver of the law of Moses, as well as of the law of Christ." Surely, so far there is nothing to startle the protestantism even of the learned member himself. It then proceeds to the incarnation, death, burial, resurrection, and ascension, mingling up all with expositions intended, as every part of this creed was intended, to meet the heresies then supposed to prevail; it takes occasion distinctly to assert the doctrine of transubstantion; and, in a parenthesis, declares the Virgin Mary to have been always a virgin. Still, sir, I am persuaded, that, however much there may be in some of these doctrines for our divines to controvert, you will not have perceived any thing, that can serve as an excuse for depriving a single catholic of the meanest civil right. To do so would be to act in that very spirit of persecution, with which the learned gentleman charges the church of Rome. As to the position with which this canon concludes, the house has already pronounced judgment upon it in the reception which it met, when it was glanced at in the speech of an hon. friend of mine, whose presence among us I have long anxiously desired, and who was heard last night for the first time within these walls; the character of whose eloquence I shall leave to the impression which it visibly made on his audience; for to praise him with justice would require eloquence like his own; and there are very few men indeed in this house, who are entitled to undertake that task. In myself it would be presumption to attempt it. I can only state more plainly, what he sent out of court with a laugh by a lively allusion. The clause in question, sir, merely defines, that "sinners may be pardoned, if truly penitent, and married persons, no less than those who are unmarried, may hope to go to Heaven." The pope was more good-natured to human frailty, than were the sectaries called Cathari, or puritans of that day, and in this respect the church of England agrees with the pope. This canon is followed by another, which condemns the opinions of two theological writers, the abbot Joachim of Calabria, and a learned student of the faculty of divinity at Paris whose name can hardly be collected with certainty, though I believe it was Amaury,* and whose works have so totally perished, that the object of the canon with regard to him, can only be picked out with difficulty from cotemporary historians and annalists. And here, sir, terminates all, for which Dr. Troy and Mr. Plowden, were dragged before this house as witnesses to prove that the doctrines of their church are unchanged and unchangeable. You have heard already, Mr. Speaker, how large a portion of the canons sanctioned by this council was occupied in points of mere discipline. They are, many of them, standing authorities in our own church; indeed, having been confirmed afterwards in a provincial constitution of Stephen Langton, archbishop of Canterbury, they are at this moment a part of the law of the land. The learned member, as an ecclesiasical judge (for he is at the head of that jurisdiction in his native country) must be intimately acquainted with them. They enter into the matter of his professional duty, and may be a ground of his judicial decrees almost every day in the week. I cannot therefore but pay a compliment to his dextrous management in concealing the knowledge of them. He appears perfectly to understand his own sort of prudence and expediency. For he was aware that if he had ingenuously informed us what they contained, there would have ended at once all his hopes of working our alarms to his purposes. Had he told us, that they forbade the institution of new orders of friars and nuns, and the veneration of new relics; promoted learning by ordering grammar schools to be every where kept for the instruction of poor scholars out of the revenues of the churches, and protected learning by threatening with punishment all bishops who should ordain ignorant priests; provided for the purity of elections by chapters and other ecclesiastical bodies; discountenanced vexatious appeals from the inferior spiritual courts; prohibited the spiritual judges from encroaching on the temporal jurisdictions, and directed, that no sentence of excommunication should pass, till after admonition in the presence of witnesses, and for a public and reasonable cause: above all, had he suffered it to escape him, that they strictly enjoined the clergy to be always gravely and plainly dressed; not to keep horses and hounds; not to go hunting and hawking; not to play at games of chance; not to frequent theatres or taverns; nor to engage in any secular trade or employment: (Mr. Wilberforce and the attorney-general cried hear! hear!) and finally that the decrees of this council of Lateran are a main support of our canon law of this day against a plurality of benefices; some of the gentlemen who sit near him, and who now will probably vote with him, instead of being scared by this terrible council of Lateran, would have called aloud for it, and have gladly embraced it at the risk of all the brute fulminations against heretics with which it may blaze. It is not my wish however, to dissemble, that there is one canon of great and excessive severity, to which alone all the obloquy which the learned gentleman has levelled at the whole seventy in a mass, is, I believe, intended to apply. But before we can decide upon it, we must see by what authority besides that of the pope, and for what purpose it was made. That council, in consequence of Constantinople being then in the hands of the crusaders, was not only perhaps the largest assembly of prelates and dignitaries of the church that ever met, but was attended by the emperors both of the East and the West, as well as by the kings of all the principal kingdoms in Europe, either in person or by their ambassadors. They consented to the proceedings; they alone gave validity to them, wherever there was a question of temporal penalties and forfeitures; and so it was understood even in that age. It did not concern them to maintain in his possessions a great feudatory lord, who resisted their opinions by force of arms; but they took care that the rights of the superior, that is, their own rights, should be saved entire. Certainly the popes did on various occasions assume a power of excommunicating and deposing princes; but it was always regarded by many of the most rigid catholics as an evident usurpation of temporal authority; and it has no foundation in the fourth council of Lateran. The emperors and independent princes who assisted at that council were too wise to establish such a dominion against and over themselves, though some of them individually might have recourse to the pope for their own purposes, as one of them our own king, John, is reported to have offered to turn Mahometan, if he could have procured the aid of an army of Moors from Spain. Against whom too was this canon pointed? Against the Albigenses, whose tenets have been the subject of much controversy since the reformation. Their pastors and leaders (it is proved to my conviction at least) held tenets not very remote from our own. Yet with them undoubtedly were mingled many hot-headed and sour-tempered fanatics of furious and impracticable zeal, and a number of Manichees, who having been formerly driven from the East by the Greek emperors, had taken refuge in that country, which had long been, in a great measure, independent of the Roman See. All were confounded together, and the latter in all probability not unwillingly, by their common adversaries: just as in our own country, the sober-minded and reasoning disciples of Wickliff, though innocent, were involved in the merited censure of John Ball, who on Blackheath, by his seditious and atrocious preaching, incited the insurgents of Kent to the murder of every man of rank and eminence in church or state: just as in later times the anabaptists of Germany might have cast a stain on the whole protestant cause, had not Luther himself been active in rousing the neighbouring princes and cities to draw the sword against them not as bad Christians, but as rebels, unsafe neighbours, enemies of all civil society, and disturbers of the public peace. Council after council for more than half a century had thundered against the Albigenses, always attributing to them the errors of the Manichees. Excommunications, fines, and confiscations had been denounced against them. But they were protected by a powerful confederacy of the barons, earls, and princes of the South of France and the neighbouring kingdom of Arragon. They maintained public conferences and disputations with the prelates of the Roman church; as usual, each party retired with increased animosity and embittered disgust. Civil wars ensued. A crusade was preached against them. The country was desolated with mutual slaughter. Upon one side the king of Arragon was killed; upon the other the count of Montford, general of the crusaders, fell in battle. Raymond, count of Thoulouse, the great patron and defender of the Albigenses had been forced to submit, had broken again with the pope, and in spite of his gallant struggles been stripped of his dominions. Massacres produced a desire of revenge, and retaliation gave birth to cruelties which no provocation could justify or palliate. The worst passions of human nature were let loose on both sides. In this state of long continued irritation it was that the violent measure, which it seems, is never to be forgotten or forgiven, was sanctioned by the fourth council of Lateran. Yet even then, at that very council, Raymond obtained a provision for himself and his family out of his lands. But the question is not at present, and in this place, whether this canon was too severe, still less whether it was or was not altogether unjust; it is merely, whether it contains a solemn, deliberate, systematic principle, which catholics respect as a standing and obligatory rule of conduct, or rather, whether it is so evidently such, that we cannot believe them, when they disclaim and abjure it. Sir, it is almost ridiculous to state this; for, never did any measure carry on the surface of it so plainly the form and pressure of the times. And what have we, six hundred years after, to do with Raymond, count of Thoulouse, who, by the way, subsequently recovered his territories at the point of the sword and left them to his son?—Yet, sir, called as this council was for the settlement of Europe as well as the regulation of the church, there was one subject agitated in it, which might have been thought more interesting to an English house of commons than any connected with the affairs of Raymond, count of Thoulouse; and this, Mr. Speaker, was nothing less than the validity of the GREAT CHARTER. In that same year had this first and most important fundamental law of our rights and liberties been extorted from the reluctant hand of John by the great barons leagued together for this purpose, and guided to this object by the temperate, but firm counsels of Stephen Langton, archbishop of Canterbury; for to that excellent prelate do we principally owe this corner-stone of our free constitution. He it was, who observing, that the tumultous contentions which were perpetually breaking out between the usurpations of an ill-defined monarchy on the one side, and the irregular pretensions of a high-minded aristocracy on the other, only led to alternations of anarchy and tyranny, equally lawless and destructive, conceived and proposed to the confederate lords the project of fixing with precision for ever in a solemn instrument, the franchises, privileges, and immunities of all the estates of the people of the realm. But the wax of his seal was hardly cold, when the perfidious and unprincipled king sent to implore the interposition of the pope, to release him from the obligation of fulfilling his duty, and preserving his faith to his subjects. Innocent the IIId, to whom John had before surrendered his kingdom, issued his bull, declaring the charter void, as derogatory to his rights in his new character of lord paramount. He appointed legates to publish it here. But the primate, though he had been elevated to the see of Canterbury immediately by the pontiff himself, held on his own course in a matter which, he was conscious, no way belonged to the papal tribunal. He encouraged the barons to resist. For this he was himself suspended from the exercise of his functions by the legates. He was formally accused before the council of Lateran. He scorned to deny the charge: the suspension was confirmed; the archbishop of Canterbury suspended, and the barons of the realm excommunicated by the council of Lateran for having obtained the GREAT CHARTER! and yet, sir, I perceive no cry, no look, no gesture of consternation around me. Not a man among us appears to think the GREAT CHARTER in one tittle less secure for the violent attempt made to crush it at the council of Lateran. Not a man, I will venture to say, will suggest to his majesty, that his imperial crown is in the slightest danger from the claims of the pope, derived from Innocent the IIId as lord paramount. Why then, in the name of common sense, should we trouble ourselves about the severe measures pursued, the excommunications and loss of possessions denounced against Raymond, count of Thoulouse, his confederates, and subjects? But there is one striking lesson to be collected from the passage of our history which I have just related. We have there a most illustrious example, that a catholic clergy can distinguish their civil from their religious duties, and be among the foremost to defend the liberties of their country from papal ambition and usurpation. Permit me also to remark, sir, if it do not seem too researched, that we find there a signal instance of the beneficent care of Providence in converting what was designed for destruction, into the means of safety and support. That very council, which aimed to annihilate for ever the rising liberties of this country, did incidentally contribute much to consolidate their strongest bulwark, the TRIAL BY JURY. One of its canons strictly enjoined the priests to refuse the aid of their ministry, which was indispensably necessary, to the absurd and superstitious trials by fire and water: and the removal of these barbarous usages made way for the establishment of the trial by jury, one of the most important provisions of the GREAT CHARTER.—And now, sir, as I trust all our public fears of mischief from this gunpowder council of Lateran are pretty well over by this time, I shall employ one or two sentences in offering a little private consolation to the learned member. The council in condemning the opinions of abbot Joachim, declared him to be a good sort of a well-meaning man, though a little wrong-headed, and as the ecclesiastical body over which he had presided, conducted themselves unexceptionably, no disturbance was to be given to them. So, if the petitioners should succeed; if they should return a hundred members to this house, as the learned gentleman anticipates; and by these hundred members carry all things before them, as he apprehends; they will, I hope, remember mercy in that day of their triumph, and pass no harsher judgment on him and on the profession, of which he is now the head. Yet if they should go the uncharitable length of the censure on poor Amaury, I doubt not, that the learned gentleman will bear it with patience and chearfulness in so good a cause; even though another general council of Lateran should say, as the former said;—"the father of lies has so confounded his understanding, that his errors have more absurdity than heresy in them." During the two following centuries there were councils in plenty; but the learned member can find none to his taste, till at the end of that interval he comes to that which assembled at Constance. But in what copy of their proceedings does he read the execrable doctrine alleged, that it is lawful to break faith with heretics? oh! he deduces it from the condemnation of Huss, notwithstanding that he had come with a safe-conduct. But from whom? From the council? No; but from the emperor Sigismund, who, as they thought, (and as far as I understand the constitution of those councils, I do think with them) had no right or authority to bind them or prejudice their jurisdiction. And there is, in corroboration of this, a pretty strong fact which the learned gentleman could undoubtedly have told us if he would. The very pope who convened the council of Constance, and who was afterwards deposed by it, though furnished, by the same emperor Sigismund, with a passport of the same tenor with that in the possession of John Huss, nevertheless thought it necessary to have recourse to flight for the security of his person when he stood in the character of an impeached man; being conscious that it could not avail him in case of conviction, notwithstandining that the crimes of which he was accused were very different from that of heresy. What, however, will you say, sir, if I assert that the council actually did, though indirectly, decree faith to be kept, instead of broken, with heretics? Indeed I so understand them. For they declare the person* who has engaged his faith, to be only acquitted of the obligation, *when he has done all that depended upon himself*. The council of Basil and the council of Trent, if examined, would turn out as unfavourable to the learned member, as the council of Lateran or the council of Constance; but since he has only named them as confirming the council of Lateran, I shall pass them over in silence. I have been induced to advert particularly to these points in the hon. and learned member's speech, because from the nature of my professional pursuits, I had occasion to attend to such subjects particularly, and because it is not likely that gentlemen should be familiar with them. I have done so for the purpose of exposing to the house the line of argument that has been pursued and so much dwelt upon; and also as a warning to gentlemen in future, to be cautious how they deal thus partially in abstruse learning with the hope of escaping detection; or quote scraps of pamphlets for the purpose of making them the grounds of unfounded charges against bodies or individuals. But, sir, quitting those remote ages, let us come down to our own times, and recollect that we are not legislating for catholics in the twelfth or fifteenth centuries, whatever might have been their opinions in those times, but for catholics in the present day; and therefore let us judge of them as they really are. Have they not pledged themselves to their loyalty and attachment to your government and constitution, by every test the legislature has proposed to them; by every solemn assertion that can bind the veracity of man? Have they not as solemnly disclaimed and abjured all those abominable and unsocial principles so repeatedly charged against them, in spite of their oaths and protestations? Have we not virtually acquitted them of those odious charges, by all the successive acts that have passed for their relief; and formally pronounced that acquittal in the preambles to some of those acts—and especially in that of the Irish act of 1793? Have we not the experience of the good and beneficial effects of the measures hitherto adopted for the relief of the catholics from the disabilities under which they laboured, to guide our judgment on this great question? Have not the catholics proved by their loyalty and good conduct, that they justly merited the alleviations they received; and shall we be told, that their conduct will or can be different, if you remove every remaining disqualification, and make them participators in all the blessings of the constitution? The position is monstrous, and as such I trust will meet no countenance from this house. But, sir, if it be possible that any rational doubt can still remain upon the sincerity of the catholics in the solemn tests they have given of their principles, in direct opposition to the unfounded charges against them, upon the pretended authority of ancient councils: if any man can still suppose they hold the monstrous doctrines, that no faith is to be kept with heretics, or persons of a different persuasion; or that the pope may absolve catholic subjects from their allegiance to protestant princes—I can refer to the authority of councils too, that are infinitely better authority on these points than any arguments, assertions, or garbled quotations, that have been urged in the course of this debate, to maintain that the principles of the catholics bely their oaths; or that in taking those oaths they have exaggerated all their other crimes by the addition of perjury. I can refer, sir, to the answers given by the first catholic universities in Europe on these points, to the queries put in 1789, at the particular instance of a right hon. gent. on that side of the house, then and now at the head of his majesty's councils. I mean, sir, the universities of the Sorbonne at Paris, and those of Louvaine, Douay, Salamanca, and Valladolid, some of which express the highest astonishment that such opinions should in this enlightened age and country be conceived to be maintained by the catholic church, and all which deny in the most solemn manner that any such opinions ever were at any time, ancient or modern, any part of the principles of that church.—In the course which I have taken, you, Mr. Speaker, and the house will have observed, that I have confined myself to those objections alone, which, in the language of my right hon. and learned friend, are paramount to all the inferior circumstances of accident and locality; and I have endeavoured to demonstrate fully (it may be thought, I fear, too fully) that in the first place, there is nothing in the principles of the constitution, as modified by the reformation or as settled at the revolution, which is incompatible with the unrestrained admission of the catholics to every civil right enjoyed by their protestant fellow-subjects; and that, secondly, there is no foundation for imputing to their religion any principle dangerous to civil society. If in these points I have sufficiently effected, what I proposed to myself, I have done all that appears to me necessary to the support of the present motion. For the question is not now, whether we shall grant the prayer of the petition in its full extent, or indeed in any extent, but whether we shall discuss with the freedom only to be had in a committee, the expediency of granting the whole or any, or at the present moment, no part of the desired relief, on a detailed view, of the principles recognised in the several acts formerly passed both by the British and Irish parliaments in favour of the catholics, of their conduct, and perhaps too that of their adversaries, of the actual juncture of our affairs, and in short of all the considerations, by which political action is usually influenced and determined. All who think that any thing should be granted, and even all, who merely on motives of present expediency think that although nothing should be for ever denied, nothing should be now granted, ought to agree in going into a committee for the sake of that discussion; they only can consistently vote against the motion of my hon. friend, who are fixed and resolute to oppose now and for ever against the wishes, affections, and loyalty of their catholic fellow-subjects an impassable bar, an eternal system of exclusion, an irreversible decree of political excommunication and interdict, on account of religion alone; and against the catholics of Ireland in particular, to draw a line of everlasting separation in the outset of that union, which they had been among the most zealous to accomplish, and from which they were encouraged to entertain farther hopes and expectations. When we go into that committee, sir, as I trust we shall, let it be recollected always, that the burthen of proof lies upon those who have to maintain, what stands upon the statute-book itself as a declared exception to a general principle, and is moreover an exception, which, as I believe myself to have shewn, no way corresponds with, but actually extends beyond or falls short of, every principle attempted to be deduced from the letter or spirit of any fundamental law of our constitution. In the main branch of the argument too, they will have to prove the position, the absurdity of which was pointed out in the opening speech of the hon. mover, with his peculiar force, and felicity of rhetorical ridicule;—that because, when the king was suspected of being a catholic and of having formed a design in connexion with catholics to overturn the constitution of the country, it may have been a wise precaution to remove all of that persuasion from situations which would have enabled them to assist him; therefore, when the king is a protestant and liable to no suspicion, he is to be precluded from having the services of his catholic subjects. When this is attempted, I shall listen with becoming attention; but hitherto no man has been hardy enough to undertake it. Let me further counsel the hon. and learned member, who last night ran over an historical catalogue of rebellions, and assumed that they all arose out of the catholic religion, to come a little better prepared on that subject to the committee, which will be the proper place for those details. For, if he chooses to go back to that of the earl of Desmond in 1576, I warn him that I shall bring no less a witness than Elisabeth herself, who with expressions of deep sorrow and contrition confessed, that she was in fault, for having committed her flock to the care of wolves, instead of shepherds. Will he select that of the earl of Tyrone towards the end of the same reign? Camden, the cotemporary historian of that reign shall answer him, that it had its origin in private animosities and ambition; and the lord deputy Mountjoy himself shall inform him, that it was continued, because some of the protestant gentlemen had acquired a relish for plunder and free quarters in preference to a quiet harvest; and the catholics, all over the kingdom, feared a persecution for religion, not to mention various other grievances, "the least of which alone," he justly observes, "have been many times sufficient motives to drive the best and most quiet states into sudden confusion." * Beaten out of these, will he have recourse to his favourite massacre of 1641? I will there undertake to show by irrefragible evidence that, although there was much more than enough of cruelty and wanton slaughter on both sides, yet there was no preconceived, preconcerted massacre in the breaking out of that civil war, as is weakly or wickedly asserted. In the meantime, I shall only give the learned gent. notice of one of my witnesses, the royal martyr himself, who will tell him, wise men believed that rebellion to have been kindled "by preposterous rigour, and unseasonable severity, despair being added to the former discontents, and the fears of utter extirpation to the former oppressions of the country." From the same authority also he may learn that "the rebels were exasperated to the most desperate resolutions and actions," by the avowed menaces of over-zealous protestants, who threatened "to destroy root and branch, men, women, and children; without any regard to those usual pleas for mercy, which conquerors, not wholly barbarous, are wont to hear from their own breasts:" but there is a kind of zeal, as Charles subsequently remarks, which

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* He is called by different authorities Amalricus, Almaricus, and Amorricus; by Dupin, Amaury.

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* The words are—nec sic promittentem, *cum fecerit quod in ipso est*, ex hoc in aliquo esse obligatum.

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* Letter to the lords of the council in England, 1602.

would "rather be counted cruel than cold, and is not seldom more greedy to kill the bear for his skin than for any harm he hath done; the confiscation of men's estates being more beneficial, than the charity of saving their lives or reforming their errors." The zeal of the learned member and of others, like him, I do not suspect of being exactly of that description. The catholics of Ireland have been ground down to poverty; under the system of relaxation and relief they have not yet accumulated enough individually, to be tempting objects of confiscation; but, when I find the distinction of political power so studiously taken, as that in which the catholics are never to participate, I do rather suspect, that the zeal, which blazes so furiously, is a little inflamed with a desire of monopolizing that political power, and the profits and emoluments, which follow in its train.—On the subject of the civil war that grew out of the revolution, the capitulation of Limerick which I have already quoted will be sufficient; if not, I conjure all good Orangemen in the interval to read and digest as they can, the previous declarations of William and his generals, and the complaints which some of them contain of the disorders and robberies committed by their own soldiers. But then comes last, and I am happy to say, least, the recent rebellion. And we shall not have to go far in search of evidence. The striking fact, which was noticed by my hon. friend who rose after the learned member last night, must be decisive to all who are acquainted with the political topography of Ireland. The secret committee of the Irish house of commons reported, but a short time before the rebellion burst forth, that the five northern counties only were organised, as it was called, and in those very counties are the smallest number of catholics, and the greatest number of protestants in Ireland; they used to be regarded as the strong holds of the protestant ascendancy. However, if living witnesses should be demanded, I must, in addition to what the learned gent. so elegantly and decently denominated the whole republican, jacobinical, and frenchified faction, call to the bar all his majesty's present and late ministers whom I have heard during their separation and since their coalition, those who are favourable and those who are inimical to the proposed measure, concur in declaring that rebellion not to have been in its essential character a catholic rebellion.—With these impressions of the whole subject before you, few words, sir, will amply convey the result of my sentiments. I am in general a friend rather to the gradual than to the sudden admission of great bodies of men to political rights from which they have been long restricted, and that for the sake of themselves as well as of the community, yet so much has been already conceded, and in a manner so totally unlikely to obtain the good effects of concession, so little remains to give, and the position, in which we are called upon to make a stand, is in itself, so perfectly untenable; that I shall be ready at once to go the whole length of the petition; with what checks and guards, if any shall appear to be necessary, it will be proper to consider in the committee. But above all things, I am most anxious that we should take some step, however inconsiderable may be our progress, that our catholic fellow-subjects may be cheered and animated by the hope of continuing to acquire more, if they deserve more, till they shall ultimately attain to the full enjoyment, which they pray, of all the benefits of the British constitution. In this momentous crisis of the empire, surely the wisdom of the house will not refuse to stimulate their most active and ardent cooperation in the common cause by gratitude and hope, two of the most powerful incentives to good minds; though I am contented to rely on gratitude alone. Indeed if we proceed more minutely to examine the several points of which the petitioners complain, I am confident, that some of them (two especially to which my hon. friend alluded in his oepning speech) will be found so peculiarly oppressive, that this house will never agree to their perpetuation. When I recollect, sir, that two hundred thousand brave Irish catholics defend our empire, and aid in the extension of its power and glory, by sea and land, and who, nevertheless, are the only description of his majesty's subjects that are not now free to serve God according to the dictates of their own consciences; nay, who are constrained by the dread of corporal punishment to practise another kind of worship repugnant to their opinions and their habits,—surely there is no serious Christian of the present age who will approve the existence of such religious intolerance, nor any wise politician who will wish for the continuance of so pregnant a source of discontent in our navies and armies. The catholics of this country, too, labour under grievances extremely oppressive, in consequence of their religious opinions on one hand, and the state of the laws on the other with respect to the important article of marriage: this, in their system, is an awful sacrament, which therefore requires to be performed with peculiar ceremonies, and by the ministers of their own religion. On the other hand, the marriage act does not recognize the legal validity of marriages so performed, however willing and desirous the catholics are to enter into the spirit of that act, by observing all the conditions that have been or may be enjoined to give due publicity to them, or however in fact they may actually observe them. This they must feel in a more sensible manner, in as much as there is an express clause in the marriage act, for exempting Jews and Quakers, who have peculiar ceremonies of their own, from its operation. The mischief, however, of this state of things, it is obvious, does not rest with the catholics, but is a matter of high concern to the general cause of morality; in a word, it constantly occasions much private misery, and frequently much public scandal. On these grounds, sir, I shall most conscientiously vote for the motion of my hon. friend, and I trust that the decision of the house will be such as will be worthy of its liberality, and honourable to the character of the parliament and of this country.

Mr. *Foster*.—I feel myself bound, sir, by the importance of the subject, as well as by the part I took in another place upon a former occasion, to claim the indulgence of the house for the few minutes during which I shall call upon their attention. From the manner in which the hon. member near me (Mr. Lee) has gone through the whole detail of the penal laws against papists in Ireland, I fear the house may be led to imagine, that they are still in force: the fact is otherwise, and I will tell gentlemen the real situation of the Roman catholics of Ireland at this day. They are as free as the protestant, in the acquisition, in the enjoyment, and in the disposal of property of every species; they can purchase land, settle their estates, and enjoy all the profits of commercial industry equally with him; they possess every benefit of civil liberty as fully as any other subjects. What, then, is the object of their petition? Political power only:—this is all that remains for you to give, or for them to demand, and every gentleman who has supported the petition acknowledges it (a cry of hear! hear!). I am glad to see the subject is now brought to the true point. The grant of political power is the avowed object for us to discuss; of every thing else they are in complete possession (a cry of no, no, from the opposition benches). If I am thought in error, or to have made too strong an assertion, I can go through the whole catalogue of civil rights, and every article of restraint which the laws did impose, and shew that the catholic is fully and completely free; but I see there is no occasion.—Political power is then the sole demand, and what are the inducements held out to us for granting it? The gentlemen tell you it will conciliate Ireland; that it will incorporate four-fifths of the people there, and one-fifth of all your population, at this perilous moment, when you have an enemy to contend with consisting of thirty-six millions of people, and you have only fifteen millions to oppose to him; that, by not granting this petition, you deprive yourselves of one-fifth of your national vigour, and of your physical strength. Such are the arguments of the hon. mover, and of the other hon. gent. (Mr. Grattan) who spoke yesterday on the same side; and that four-fifths of the Irish nation were thus rendered of no use to the empire. But how do their arguments support them? They forget that, almost in the same breath, when they wish to prove the safety of the measure, they tell you, and tell you truly, how much the empire is indebted to the Irish; that the Irish composed a great and illustrious part of that gallant army which conquered Egypt; that they supply a large proportion of the British fleet with sailors; and that to their courage and to their ardour, lord Nelson was indebted for his glorious victory at the Nile. They tell you too, that half your armies in every war, half the militia, and a large portion of the Irish yeomanry which overpowered the late rebellion, and saved Ireland to the empire, were catholics of Ireland. I agree with them in the whole to the honour of my countrymen: and what follows? That we have now, of their own shewing, the full physical force, the full national vigour, which they inconsistently bid us acquire by this unnecessary measure; and I will add more, that if the armies want increase, if the navy requires additional hands, this measure will not add one argument to the recruit, and Irishmen will come forward with the same ardour, and with the same alacrity, which has distinguished the character of their country for its love of military glory, whether you grant the petition or not.—But if conciliation is to follow, we ought to know whom we are bid to conciliate: is it the lower and middling ranks of the catholic people? I will assert, in presence of the many gentlemen from Ireland, who can contradict me if I am wrong, that the mass of that people there do not know what this claim means. Ask them what catholic emancipation is, and so totally ignorant are they about it, that some say it is an exemption from tithes; others, it is to lower rents; others, that it will save taxes. In short, all who have heard of it (for many neither know nor care about it) will give you their own conjectures of whatever claim, debt, or demand, public or private, they wish to be freed from:- scarce any believe it to be what it really is, a struggle for a few offices of political influence, or seats in parliament, which the lower ranks cannot enjoy, and feel no interest in. These lower ranks do not, and cannot, urge what they neither want nor comprehend. It is not, therefore, they who call for this measure. And now let us see how the argument stands as to the superior orders of the catholics.—Do the gentlemen tell you the measure is necessary to secure their loyalty, or to procure their strength in this hour of peril? They pay them a bad compliment indeed, if they represent this boon, or any boon, as necessary to make or keep them loyal; a compliment which I should be ashamed to offer, and which I could not concur in with truth; for I know personally many of those gentlemen who have signed this petition, and I think I can answer for them they would spurn such an idea. Those of them whom I have either the honour or pleasure of being able to speak of from personal acquaintance, are as loyal men, as good subjects, and have acted with as much zeal and energy to uphold the state against the rebel and against the invader, as any individuals in the kingdom.—I will not then believe that the upper orders of the catholics are only conditionally loyal, or that they would qualify their attachment to the empire by resting it on claims to be conceded, or stipulations to be bargained for; but if I could believe it, it would form with me an insurmountable bar to giving them that political power which is the acknowleged object of their petition; and it ought to decide us all unanimously and instantly to reject a demand so made. This argument of conciliation, therefore, so far as respects the loyalty or accession of the lower orders to the national strength, is confuted by the facts which the gentlemen who offer it have themselves urged; and the upper orders cannot admit it without acknowleging a qualified and temporising loyalty only, which their conduct disavows. But to proceed with this favourite argument of conciliation, and it is almost the only one offered. If it is still urged that this measure will give content, and that the catholics will rest satisfied, you are totally mistaken. Let us judge of their future by looking at their past conduct. In 1778, the Irish parliament removed some of the then existing restraints: content was to be the consequence; but they were not satisfied. In 1782 greater indulgence was granted; in 1792 they petitioned for further favours; and, in 1793, much more was given to them than even they asked. I did not agree in that gift: I did not think that political wisdom justified our going so far; but a contrary opinion prevailed; the measure was carried, and I wish it to be at rest for ever. I feared at the time that it would lead to new and further inadmissible demands; and that fear was too well founded; for two years did not elapse until, in 1795, they again came forward with the same object as they do now: and do you think that if you now acquiesce, they will rest here? I am sorry to say the nature of man will not allow us to indulge such a hope, while his pursuit is power. No, they will not stop on this concession. We all know they look with jealousy to their tithe being paid to the protestant to uphold his church. The interested feelings of their clergy, whose influence over the minds of their flock is peculiarly powerful in the catholic worship, will urge them to continual exertion for a restoration of those tithes. Possessed of them, they would not rest; equality in religion would not satisfy; they would look to the weight of numbers, which their advocates so often dwell on, that the religion of the greater number ought to be the religion of the state. In short, they would look in the end to raise the catholic church in Ireland on the ruins of the protestant. Such will be the natural result of giving them political power, and they would laugh hereafter at our folly, were we to make the concession. Power is and has been so prevalent in their views, that they have connected it in every attempt with every other object. Reform and emancipation have gone together in the whole of their progress. These two watchwords of discontent were coupled together in all their proceedings, until the union accomplished one of them, the reform, which otherwise they might have pursued for ages without effect. I know that I now tread on very delicate ground; but I trust to the liberality of the house, that if I use any unguarded expression they will correct it, and allow me to explain.—Suppose then, for a moment, that they acquire a power of sitting in parliament by the vote of this night, would it be a strange conjecture that they would soon feel that their small number, if it were fifty or sixty, or even the whole hundred, would be of little avail among six hundred and fifty-eight; that the union had accomplished the reform they wished for by the destruction of boroughs; and that two hundred seats, all belonging to protestants (for protestants only received the compensation), had been annihilated? Possessed, then, of this reform, and of their power of sitting, it might be natural for them to look to a restoration of the Irish legislature. They would see the barriers, which the wisdom of ages had erected against their having political power, broken down by this night's decision. Their exertions would rise in proportion to their hopes of success, and it would require only a revival of the Irish parliament to give them the consequence and superiority they long for. The hon. mover's doctrine, that seats in parliament are their right, qualified by him, I acknowledge, with the exception of the salus populi suprema lex, would not weaken their endeavours of their prospects. They would consider it a right existing, but with-held from them at the time the union was discussed, and upon it they would endeavour at a dissolution of that measure. They would call for three hundred members to resume their functions in an Irish parliament; and the two hundred seats added in the room of the one hundred protestant boroughs, which we have demolished, would all be filled by popular elections, where numbers, in which their strength consists, would decide. What would not a majority, so constituted, look to? They would see their own aggrandisement, the maintenance and dignity of their clergy, and the consequent superiority of their church, all within their view. I will look no further into so tremendous a prospect. This result may be slow, and I firmly believe the day of its accomplishment would be distant; but is it the less to be guarded against? To me the reasoning seems so strong, that I cannot shut my senses to it, nor to all the mischiefs which must attend the attempt, and the miseries which must follow it. The seeds of separation would be sown, and Ireland might be torn from her connexion with Britain, without which she is and must be incapable of enjoying wealth, tranquillity, happiness, or any of the blessings of human life.—But when you talk of conciliating Ireland you have forgot to tell us where the discontent is. I know the country well, and I do not see it any where. If any gentleman has seen it (and there are Irish representatives present from all parts), I wish he would get up and state it. No, Ireland is content, if you will not agitate her with ill-timed discussions; and I will venture to say, that the rejection of this demand tonight will not cause a discontented thought, except in those very few, whose ambition has been buoyed up by the vain and selfish hopes of power and personal influence.—Further, if by conciliation is meant the giving satisfaction, why do you look to the catholic only, and forget that there is a million of protestants? Will they be satisfied by your breaking down the barriers which secure their protection? Remember that you have settled us in Ireland under the faith of that protection, that on that faith we claim as our inheritance all the blessings of that glorious constitution which our ancestors and yours have fought and bled for—the Hanover succession, the illustrious house of Brunswick on the throne, a protestant king with protestant counsellors, protestant lords, and protestant commons. This is what I call protestant ascendancy in the true sense of the phrase; and while I can utter my voice in this house I will ever demand it for my country.——If then by granting this petition you endanger or even alarm the protestant, dissatisfaction, and not satisfaction, must be the result of the measure; and among whom? Among those who are and ever have been loyal both to church and state, and who swear allegiance to both, which those whom you are desired to admit as legislators decline.—I might rest here, having shewn you the futility of the only argument they dwell on; but I will go further; and when you are called on to give them political power, you are not to consider Ireland only; you must look to the situation of England, where the catholics do not enjoy the same freedom as their brethren in Ireland do. Are they less meritorious? Certainly not; and before you give further privilege to the Irish, you must put them on the same footing, and confer on them in Britain the right of voting for members, and all the other favours contained in the act of 1793. You must, in the next place, if you accede to this petition for the Irish, make the English catholic admissable also into the highest offices, and to a seat in parliament; and then the catholics of England, Ireland and Scotland may sit indiscriminately for every place throughout the whole empire into which they can find access by any means they may think most likely to obtain for them the favourable opinion of the electors. Will you not pause a little here, and reflect before you proceed? Reflect that you have a protestant church, and how it would tremble under such a change; that men who profess the catholic faith, and acknowledge a foreign potentate to have spiritual authority within the realm, cannot be entrusted with framing laws for that protestant church, and the protection of the protestant establishment. On what foundation does that church stand? Is it not on your laws? Do not its rites, its worship, its possessions, its hierarchy, its pre-eminence, all depend upon the laws of the realm? And are you ready to fill your legislative assemblies with catholics, with persons attached and bound to another church? Do you forget the necessary alliance between church and state, that if you endanger the one you destroy the foundations of the other? And can you be so infatuated as to entertain for a moment the idea of calling on catholic members to make the laws on which both church and state depend, and on catholic counsellors to execute them? I will give the catholics every merit which men can claim, and still the feelings which are incident to human nature would debar them from being able to make such laws as those who profess the established religion of this country are bound to do. —But a curious argument has been urged by every gent. on the opposite side who has spoke, that what the petitioners desire is little for us to give, and much for them to receive. I say the reverse is the true statement. They have little indeed to receive, compared with the much which we are called upon to give. They are to receive access to a few official situations in the state, and a power of sitting in parliament. We are to give up that on which the vital liberties of our country rest; that, which gives energy to our armies, and superiority to our navies; that, which supports us whole and unimpaired amidst the crash of surrounding nations, and maintains us in the proud pre-eminence which so happily and honourably distinguishes the British name,—the glorious constitution of our country. Little for us to give! do you say? Call you the surrender of the bill of rights, little? a demolition of our church establishment, little? the protestant succession, little? What more have you to give, or what will remain to you worth preserving when you have given it? The hon. gent. tells you there is no danger in a state's having its counsellors or ministers of a different religion, and he instances Sully and Neckar in France; but they were protestants, and they did not acknowledge the authority of a foreign power within the realm, which a catholic does: nor had they the larger portion in the community of their own persuasion, to support them in any innovations which their religious tenets might urge them to attempt. A popish state may safely trust a protestant at the helm, for he acknowledges its supremacy; but the protestant nation cannot with the same security take a catholic who denies it.—The same hon. gent. (Mr. Fox) has adduced Venice as an instance, where both religions equally managed the state. Surely he cannot be serious in offering us such a model. Does he quote her as an example? Venice, where is she now? No longer a nation, but sunk and lost to the world, after all her pride for centuries! and her fall perhaps accelerated by that very mixture of religious power which he recommends. [Some members smiling, Mr. Foster continued.] I see the gent. is not serious, but if he can laugh so carelessly when the happiness of a country is at stake, I would advise him to spend a few months in Ireland: he would then learn what the feelings of the honest and the loyal protestant are on seeing his rights made a matter of doubt; and he would probably abstain from sporting with his happiness and tranquillity, by such impolitic and unprovoked discussions. I shall conclude by reminding the house of an old maxim; principiis obsta. It is a wise one, and bids you oppose this first attempt to break down the barriers which are drawn round the constitution. A strong opinion has been firmly expressed by a great and decided number in another place against this petition; and let us too, with equal manliness and wisdom, declare our determination this night, by such a clear and conclusive majority as shall put the matter to rest, and discourage all future attempts to disturb the public repose, and endanger the national security.

Mr. *George Ponsonby*.—Sir, having long been acquainted with the great abilities of the right hon. gentleman who has just sat down, I might, perhaps, despair of encountering him successfully, if I had not previously received the assistance of one who is altogether as able as the right hon. gent. and whom I shall always highly respect—it is the right hon. gent. himself: for I think I can clearly show that one half of the right hon. gentleman's speech has incontrovertibly answered the other. He has told us of the victories of lord Nelson and lord Hutchinson in Egypt, gained by the efforts and assistance of Irishmen, from which he draws a conclusive proof of the loyalty of the lower orders of the catholics; and being also convinced of the loyalty of the higher orders of that body, he is determined to reward it, by —refusing the prayer of their petition. He has also informed us what is the protestant constitution—that it is a protestant king, protestant lords, and protestant commons—and has most emphatically and feelingly pointed out to us the danger of a protestant king surrounded by catholic counsellors. But pray, sir, who is to effect that? The answer is obvious. This very protestant king himself. It is his Majesty, who, of his own free will, is to choose those counsellors, who are to introduce the paramount authority of the pope! Why, sir, if his Majesty should unfortunately be surrounded by counsellors of such a description, and they should endeavour to intrigue for such a purpose, would it not be the very first act of his Majesty to dismiss from his counsels such wicked advisers?—The right hon. gent. seems to be in fear for the safety of the Hanoverian succession. Who, sir, is to compel any prince of the house of Hanover to surround himself with catholic advisers and a catholic council? It must be himself alone who can do this—and if ever a prince could be found, who would so far attempt to destroy the high trust reposed in him, by choosing advisers who should endeavour to subvert the constitution, or to change the nature of the government in church and state, I believe there can be no doubt but in this house there would be found many who would take a pride in moving to punish such advisers. The right hon. gent. says, that if you grant the prayer of this petition, they will not be contented; in proof of which he adduces the various concessions heretofore made to the catholics; he says, the assertion made by an honourable gentleman, 'that it was little for us to grant, but much for them to receive,' ought to be inverted; and he tells us also, that if we give them all we have, which is now but little, with that little they will overturn the constitution and the government in church and state. The right hon. gent. tells us, that if fifty or sixty catholics obtain seats in parliament, there will be much danger. In what that danger is to consist I am at a loss to discover. But how are these fifty or sixty to obtain seats in parliament? What is to become of the protestant gentry? What is to become of their tenantry? Who are the persons that are to return those catholics? The fear of it is most futile; for my own part, I really believe there would not be ten catholics returned in as many years. The right hon. gent. allows, however, that if even one hundred catholics should obtain seats in this house, their efforts would be nugatory, or of very little avail against the other five hundred and fifty-eight. But, finding they have no weight or influence equal to what they expected, they become discontented here too—and what do they do? The right hon. gent by a peculiar kind of logic, shows that they will dissolve the union. After having used their talents, their unanimity, and adherence to each other, without any avail, they contrive to dissolve the union in spite of the five hundred and fifty-eight, and send themselves back to Ireland, there to form a popish parliament. There is something ridiculous—I beg pardon, sir, for using that word—I mean not the slightest disrespect to any gentleman, more especially the right hon. gent. to whose argument I am particularly alluding, and for whose personal character I entertain the highest respect and esteem—but I cannot help saying there is something not only ridiculous, but contemptible, to hear gentlemen argue that there is any actual danger to the constitution or the government from admitting a few catholics to have seats in parliament. I have, sir, however, heard arguments used in this house which have made on my mind a most deep impression, and from which one would be led to think that some men were sent here only to circulate calumnies against, and to draw the most odious pictures of the character of our common country. I have heard it said, sir, that the mass of the Irish people are so blood-thirsty, ignorant, and ferocious, and this is applied to the lower orders in particular, that no protestant would be safe in living amongst them. I have heard as much said in another place, but I did not feel it with so much pain and indignation there as I did with shame here. I cannot but feel sorry to hear such a character given to a body of people, who, under so many disadvantages as they have had to contend with, are, in my opinion, the very reverse, in every respect, of what they have been thus falsely described. There never was so foul a misrepresentation of the Irish character; and I think one of the strongest proofs of this is, that those who have given this character have before and will again return to Ireland, and walk in the most perfect security in every part of it; and I defy any person living to prove a single instance in which the people who have been thus degradingly traduced have ever expressed the least personal resentment, or inflicted any personal vengeance on them. A right hon. and learned gent. (the attorney-general) said yesterday, that if he had been in his Majesty's councils at the time, he would have objected to the elective franchise being granted to the catholics, and also to the establishment of the college of Maynooth. This latter objection, I own, struck me most forcibly. What would the learned gentleman do with the catholics? Would he have them brought up in the grossest ignorance? Would he permit them no place of education, by which they might be rendered useful members of society, and good and loyal subjects? or would he have them sent out of the country to be educated in the seminaries of that pope, of whose principles he has so great a dread, and to whose power he thinks it necessary to oppose such strong and formidable barriers? I am heartily glad, sir, the right hon. and learned gent. did not form a part of his Majesty's councils at the period when those salutary measures took place, and I sincerely and devoutly hope he never will be consulted on any future occasion of a similar kind.—So much having been said, sir, of the danger of a protestant king being surrounded with catholic advisers, I would wish to suppose an instance which may, perhaps, place the subject in a somewhat different point of view. I will suppose there should be a gentleman born and educated as a catholic, who should be possessed of very superior talents and endowments; that he was an excellent scholar; a good historian; a great financier; an accomplished gentleman; and a complete statesman; and that a protestant king, understanding all this, should choose to employ him—would it not be an act of folly or madness, or both, in this man, after the king had thus taken him into his confidence, if he should advise his sovereign to adopt any measure that might tend to overturn the constitution or the state? It would most unquestionably; and such an adviser could not possibly escape being brought to condign punishment for his attempt. It would be the same if there were more catholics in the council; and it is ridiculous to suppose that they would forfeit the confidence of their king, and draw on their heads the hand of vengeance and punishment, more than protestants would. But it seems, sir, in the opinions of some hon. gentlemen, that catholics are unlike all other men; that they are not to be believed on their oaths. Other dissenters of various classes may be believed on their oaths, but a catholic never; like the lover, 'if he swears, he'll certainly deceive.' The right hon. gent. who spoke last allows that many of those who have signed the petition, he knows to be 'men of worth.' Yet the idea of a catholic not being to be believed on his oath, can surely form no part in the character of a man of worth; nor can any man ever be entitled to that character, of whom such an idea can be seriously entertained. An objection has been urged against this petition, on the ground of its not being signed by any of the catholic clergy. I believe the true reason to be this—the catholics wished to have this measure understood, as it is really meant, a respectful petition for a civil right, unconnected with their religious tenets; and therefore it was not signed by the clergy, because it was considered as an act relating solely to the laity of that persuasion. I have a book in my pocket, sir, out of which I will beg leave of the house to read a few short extracts. I am aware that it is not the most agreeable thing to trespass on the patience of the house, by reading books to them; but there have been so many gross misrepresentations circulated against the tenets of the catholics, in order to raise prejudices against their case, that I must intreat your indulgence. It is, sir, a Roman catholic prayer book, which the clergy put into the hands of their flock, and out of which they perform their devotions. (Here the hon. gent. read a renunciation of the catholics, which went to show, that they do not think the pope infallible, or that they are or can be dispensed by any one, for any act of criminality, or breach of the laws of morality. Also, an oath, which says, in express terms, that they do not believe in the infallibility of the pope, and that they owe allegiance to the king, under whose government they live; that the pope cannot give them dispensation from that allegiance; but they are bound to fight for and protect their king and his government against all enemies, even though the pope himself should enter the kingdom at the head of an invading army.) Mr. Ponsonby continued—If these, sir, are not satisfactory renunciations and abjurations of all those absurd tenets which have been attributed to these people, then, I think, no such can be framed. I believe there is not a parish priest in Ireland who has not taken this oath, and God forbid they should think they were not bound to perform and strictly adhere to it! But, sir, if this dreadful character of the catholics were true, I think the protestants in Ireland must be the strangest set of beings that ever were formed. There are, sir, at this very moment, according to the articles of the union, a certain number of noblemen and gentlemen who come over to this country to attend their duty in parliament; there are, perhaps, somewhere about one hundred, and these, most of them, leave their property, their children, and even in some cases their wives, under the care and protection of catholic servants; and if these were the wretches which some persons describe the lower orders of the Irish catholics to be, we should be the most unfeeling and careless guardians of all that is most dear to human nature, to trust them in the care and custody of those who are under the immediate influence of their priests, and these men not to be believed on their oaths! But, sir, I will be bold to say, never was there so foul a misrepresentation, and so gross a calumny, as this against the Irish catholics. There never was a race of men in Europe who would preserve so much of what is good under so much oppression. I know them well; and I know, at the same time, that whatever there is of good in them, they owe to themselves,—whatever there is bad in them, they owe to you. Yes, sir, I will say, it is owing entirely to your bad government. I have many friends and near connections here for whom I feel the highest respect, and most affectionate regard. I love this country, sir, and would do every thing in my power to serve it; but I will not flatter it. You have governed Ireland badly. That country has long appeared to you in the light of what has been vulgarly called "a bore." You have viewed it as a cast-off, not worthy your notice or regard, and so ministers got rid of the trouble of it, they did not care how, or in what way. I believe, sir, I can trace the origin of this misgovernment of Ireland to ancient times, and that its rise is to be attributed to commercial jealousy. In days of yore, those who composed the mercantile world were imbued with the notion, that the poorer you could make other countries, the richer would be your own. England unfortunately imbibed this notion. At the time of the revolution there was a dispute between two families which should possess the government of this country, and Ireland became most unfortunately involved in the contest. I do not mention this, sir, with any intention of throwing the smallest degree of blame or censure on your ancestors. I merely adduce it as a matter of historical fact, to show how the Irish have been treated for so long a series of years. From those who are mere men, you cannot expect the actions of superior beings. You cannot expect the virtues of freemen from slaves; and when I reflect on this, instead of being astonished at the situation of the Irish catholics, I am rather surprised that they have been able to conduct themselves so well as they have done. I am not surprised, however, that they now petition; but I am very much surprised that a petition has not been presented long before. I own I am surprised the petitioners were catholics, because I think the protestants should have voluntarily brought it forward. That would have produced the happiest effects, and have shown a confidence highly honourable to them. Power, in itself, is at all times dangerous; but when you suffer one sect to lord it over another, you cannot wonder if the feelings become warm and animated, and if discontents and jealousies are the consequence. Let us now, for a moment, sir, consider the policy of France. Fas est et ab hoste doceri. Bonaparté has formed an alliance with the pope, who has been at Paris, and officiated in placing the crown of the empire on that emperor's head. The Roman catholic is the established religion of France, and yet protestants are there admissible to all offices of honour, trust, and profit, as well as catholics. If we were to land an army to-morrow in France, does any man imagine the protestants of that country would join them? Some persons affect to think, and do not scruple to say, they can put more faith in protestants than in catholics. Let us see how far this is consonant with reason, and justified by the test of experience, so far as relates to ourselves. Prussia and Austria, in the last war, were both our allies. The king of Prussia, a protestant prince, took our subsidy, and cheated us of our money, by withdrawing himself from our alliance and the war; the latter, a catholic prince, bravely and honourably stood by us till he could fight no longer. In the last war, sir, France lost almost all her American or West India possessions; but the rulers of that country, like wise politicians, in order to make themselves amends, turned all their attention to making themselves strong in Europe. They therefore added Holland, Flanders, Italy, and Switzerland to their former territory; and when a peace took place, the greatest part of what we had taken from them in the East and West Indies was restored to them. Bonaparté well knows now that whoever is strong in Europe must ultimately have the East and West Indies. It is that which forms the strength and power of the political tree—it is that which gives the lofty head and magnificent foliage, and which enables it to spread its branches to the most distant quarters of the globe. Europe may truly be called magna mater virum; and as our enemy has turned so much of his attention to the consolidation of his power in Europe, we ought to follow so wise a policy and do the same. Above all, sir, we ought as much as possible to consolidate our strength, by uniting the affections of all ranks and descriptions of persons among ourselves. And unless you think you will or can overturn the constitution, by admitting a few catholics to sit in parliament, you will do a most politic act by granting the prayer of this petition, and thereby uniting in affection and political harmony every description of his Majesty's subjects, who will cheerfully join heart and hand, and lay down their lives together, should it be necessary, in defence of that constitution and government under which they all enjoy the benefit of equal laws.

The *Chancellor of the Exchequer* rose and spoke as follows:—Differing, sir, as I do, from the hon. gent. who proposed this motion, and differing also in many respects from several of those who have opposed it, I feel it necessary to state shortly, but distinctly, the views, the motives, and the grounds upon which that difference of opinion is founded. But in doing this, sir, I cannot refrain from expressing, in the first instance, the very great satisfaction I feel at the temper and the moderation with which the motion was introduced, and with which, for so many reasons, I am particularly desirous that the discussion should be conducted. Happy, sir, am I also, that the manner in which the subject has been introduced has relieved me from the necessity of entering at large into those general principles and grounds which, when the question was discussed before, I felt myself compelled to do. I observe with pleasure, that the application made by the petitioners has not been advanced as a claim of right, but of expediency. I observe also, with equal pleasure, that the hon. gent. has argued it upon that ground; not that I mean to infer that the hon. gent. has abandoned the opinion he held upon that subject; but that in the application of the principles which have governed his conduct, he has thought proper to discuss the question upon the ground of expediency. That is the ground upon which I feel the measure ought alone to be discussed: for I cannot allow, that at any time, under any circumstances, or under any possible situation of affairs, it ought to be discussed or entertained as a claim or question of right. I, sir, have never been one of those who have ever held that the term emancipation is, in the smallest degree, applicable to the repeal of the few remaining penal statutes to which the catholics are still liable. But, possibly, in my view of the grounds of expediency I may think it to be much more contradistinguished from the question of right than the hon. gent. does. He seems to consider that there is only a shade of difference between the expediency and the right: whereas my view of the difference is broad, evident, and fundamental. I consider right, sir, as independent of circumstances, and paramount to them, whilst expediency is connected with circumstances, and, in a great measure, dependent upon them. With regard to the admission of the catholics to franchises, to the elective franchise, or to any of those posts and offices which have been alluded to, I view all these points as distinctions to be given, not for the sake of the person and the individual who is to possess them, but for the sake of the public, for whose benefit they were created, and for whose advantage they are to be exercised. In all times, therefore, sir, and upon every occasion, whether relating to the Roman catholic or the protestant dissenter, to the people of Ireland, or to the people of England, I have always, from a due regard to the constitution, been of opinion, that we are bound to consider, not merely what is desired by a part, but what is best and most advantageous for the whole. And, therefore it is, sir, that I think it not sufficient to shew, that what is demanded is not likely to be prejudicial, but that it is proper to take a comprehensive view of all the circumstances connected with it, whether they relate to the time at which the measure is proposed, the manner in which it is discussed, or the effect that is likely to follow from the discussion. That, sir, is my view of contemplating the propriety of acceding to the wishes of the catholics, or of refusing them. It was upon that principle that I felt satisfaction in the repeal of those laws against the catholics which have been abolished; and from the abolition of which I certainly am not one who infers that danger to the country with which some gentlemen seem to be so deeply impressed. But, sir, deeply as I felt that satisfaction, I also felt that in no possible case previous to the union could the privileges now demanded be given, consistently with a due regard to the protestant interest in Ireland, to the internal tranquillity of that kingdom, the frame and structure of our constitution, or the probability of the permanent connexion of Ireland with this country. It is true, sir, that after the union I saw the subject in a different light; but whilst that event was in contemplation I did state, as the hon. gent. says, that the measure would make a material difference in my opinion; but he has also stated, what is very true, that I did not make a distinct pledge. On the contrary, I believe the line of argument I took was, that if it should be thought right to give what the catholics required, it might be given after the union with more safety to the empire; or if it were thought proper to refuse giving it, that it might then be refused without producing those disastrous consequences which might have been apprehended before the union. I come then, sir, to the present discussion perfectly free and unfettered. I certainly was of opinion, that under a united parliament those privileges might be granted under proper guards and conditions, so as not to produce any danger to the established church or the protestant constitution. And I remain this day of that opinion, and I still think, if, from other circumstances, there was no objection to complying with the demands of the catholics, and if by a wish they could be carried into effect, I own, sir, I see none of those dangers which have been urged by some gentlemen, nor do I think that the introduction of a certain proportion of catholics into the imperial parliament would be likely to be productive of any influence or effect detrimental or injurious to the welfare of the state, or the safety and security of the constitution. But, sir, in delivering this frank opinion, I do not mean wilfully to shut my eyes to this conviction, that a catholic, however honourable his intentions may be, must feel anxious to advance the interests of his religion; it is in the very nature of man; he may disclaim and renounce this wish for a time, but there is no man who is at all acquainted with the operations of the human heart who does not know that the catholic must feel that anxiety whenever the power and the opportunity may be favourable to him. But, if these guards and conditions to which I have alluded had been applied, and which, could my wishes have been accomplished, it would have been my endeavour to have applied, I firmly believe no danger would have existed, and no injury could have been apprehended. I thought so on grounds different from those which have been stated by others: not because as catholics they had been engaged in any of the scenes preceding the rebellion: I do not mean, however, to say, that the catholics were not engaged in it in greater numbers for the reasons that have been stated.—I go further; though jacobin principles were the foundation of the rebellion, yet I do not mean to deny, that the influence of the priests, themselves tainted with jacobin principles, might not have aggravated the evil, though they were not the cause of it. My idea, sir, was not to apply tests to the religious tenets of the catholics, but tests applicable to what was the source and foundation of the evil, to render the priests, instead of making them the instruments of poisoning the minds of the people, dependent in some sort upon the government, and thus links, as it were, between the government and the people. That, sir, would have been a wise and a comprehensive system; that would have been the system which I should have felt it to be my wish, and thought it to have been my duty, to have proposed. I never thought that it would have been wise or prudent to have thrown down rudely or abruptly the guards and fences of the constitution; but I did think, that if the system I have alluded to had been deemed proper to be adopted, it ought to have been accompanied with those checks and guards, and with every regulation that could have given additional respect and influence to the established church, to the support and protection of the protestant interests, and to the encouragement of every measure that could tend to propagate and spread the example of the protestant religion. These were the general views and intentions I entertained. And if, sir, it had been possible to have found that general concurrence which I so anxiously desired; if I could have carried them into effect in the manner I have stated; if persons of more ability and experience than myself would have digested them, I am still inclined to think, that instead of being attended with those dangerous consequences which some gentlemen apprehend, they would have afforded increased security to the church, and have been favourable to the welfare of the state, to the stability of the constitution, and to the general strength and interest of the empire.—But when I state this, sir, I must also remind the house, that I considered the period of the union as the period favourable for the adoption of such a measure; not because any pledge had been given, but because there was a greater likelihood that the measure might be adopted after the union than before it. The period was favourable also on another account; favourable from the recent impressions that might be expected to be made on men's minds, of the probability of increased security from the union; from being amalgamated and incorporated with the imperial legislature, remote from the dangerous influence that might at times be supposed to operate upon, and overawe the local legislature of Ireland. Sir, I repeat, that if under the recent impression of these circumstances I could have brought forward the measure as the first fruits of the union, I should have hoped there might have been a disposition to have received it without rekindling those religious animosities, or reviving those contending interests, between catholic and protestant, which, whenever they do exist, are most adverse to the welfare, the prosperity, and the happiness of the state. This, sir, was the view in which I considered this most important subject; these were the objects which I wished to attain; but circumstances, unfortunate circumstances in my opinion, rendered it at that period impossible to bring forward the measure in the way in which I then hoped it might be practicable to bring it forward—in the only way in which I think it ought at any time to be brought forward—in the only way in which it could be brought forward, with advantage to the claims of those whose petition is now under consideration, or with any hope of reconciling all differences, of burying all animosities, and of producing that perfect union, in the advantages of which gentlemen on all sides so entirely concur. What the circumstances were to which I allude, as having at that time prevented me from calling the attention of parliament to this subject, in the manner and with the prospects which I wished, it is not now necessary for me to state. All the explanation which I thought it my duty to give, I gave at that time—more I do not feel myself now called upon to give; and nothing shall induce me to enter into further details upon this subject. I shall therefore now content myself with stating, that the circumstances which made me feel that it was then improper to bring forward this question, and which led to the resignation of the then administration, have made so deep, so lasting an impression upon my mind, that so long as those circumstances continue to operate, I shall feel it a duty imposed upon me not only not to bring forward, but not in any manner to be a party in bringing forward or in agitating this question. Having said thus much, sir, upon the opinions I then entertained, and upon the principles which then, and I trust always will, govern my conduct, I think it right to add, that the whole of the plan which I had formed, the whole essence of the system which I meant to have proposed, was a measure of peace, of union, of conciliation—a measure which I did hope would have had the effect of softening down all religious differences, of extinguishing all animosities, and of uniting all men of both religions in one common zeal for the preservation of the constitution, and for the general happiness and prosperity of the empire. But, sir, desirous as I then was of proposing this measure, and sanguine as I was in my hopes of its success, nothing could be further from my intention than to bring it forward if there did not appear a rational prospect of its being carried, (not with unanimity, for upon such an important subject that I knew was impossible), but with general concurrence; because I knew, that if it were brought forward under other circumstances, instead of producing the effect I wished, it would only tend to revive those animosities which I wished to extinguish, to aggravate those difficulties which I wished finally to remove. Not being able, from the circumstances to which I have alluded, to propose the measure which I thought likely to be productive of such beneficial effects, I did then form the determination not to press it at any period, unless I thought it could be done with that prospect of success, and with that general concurrence, without which it can never be beneficial. When I use the term general concurrence, I am sure I shall not be supposed ever to have been so visionary as to suppose that a question of such immense importance, and upon which men's feelings and passions are so strongly excited, could ever be carried with perfect unanimity, but I mean with that general concurrence which would have enabled us to gratify the wishes of one party, without awakening the fears, or exciting the jealousy of the other. Whatever gentlemen may think of the abstract rights of the petitioners, or of the expediency of complying with the prayer of their petition, I am sure they will agree with me in thinking, that the chance of extinguishing all those animosities which have unfortunately prevailed, and of producing that perfect union which we all wish, must depend upon the combination of circumstances under which the measure is brought forward.—Not having in any degree changed my opinion upon this subject, regarding it in the same point of view I did then, and retaining the same feelings, I must say that at the present moment I think I see little chance, I should rather say I see no chance, of its being carried at all, certainly not in that way which I meant, and in which way only I think it can be productive of real advantage to the petitioners, or of benefit to the state, I mean as a measure of peace and conciliation.—If then, sir, the question is not now to be carried, I think that to agitate it, under such circumstances, will only tend to revive those dissentions which we wish to extinguish, to awaken all that warmth and acrimony of discussion which has heretofore prevailed, and to excite those hopes, which, if they are to be disappointed, may be productive of the greatest mischief. As to the chance of carrying the question at present with general concurrenee, of gratifying the catholics without offending the protestants, of confirming the affections of the one without raising the suspicions and exciting the fears of the other, not only in Ireland but in England, I confess there appears to me to be none. I lament it as much as any man can do. I lament that the impression which now prevails has taken place; many circumstances have combined to produce that impression, all of which are to be deplored. I ask any gentleman whether he does not believe, looking to the opinions of the members of the established church, of the nobility, of the men of property, of the middling and respectable classes of society—I ask him, whether he does not believe, looking at the sentiments of the mass of the protestants of this country, and of Ireland, that there is the greatest repugnance to this measure, and that even if it could now be carried, so far from producing conciliation and union, it would tend, on the contrary, to disappoint all the prospects of advantage which under other circumstances would be derived from it. Even those gentlemen who have argued the most strongly in favor of this measure have candidly confessed, that in the present state of men's minds, it is not likely to be carried. I am sure I shall not be contradicted when I say, that ever since the union this subject has in a very considerable degree attracted public attention; and that of late, notwithstanding the other events which have occupied the public mind, it has been the subject of much conversation both in public and private, particularly since the catholic petition has been presented, and since the hon. gent. has given notice of his present motion; and I should disguise my real sentiments if I did not say, that at present the prevailing sentiment is strongly against this measure; what circumstances may occur to overcome that sentiment it is not for me to predict or conjecture. In speaking of the probability of carrying this question at this time, I cannot but advert to what fell from the hon. gent. who opened the debate this day, respecting the decision which took place last night in another place. I know perfectly well, that no man can mention the decision of another branch of the legislature for the purpose of influencing, much less of controlling, the decision of this house. I know there are many instances where differences of opinion have prevailed between this and the other house of parliament, in which the sentiments of this house, in concurrence with the public opinion, properly expressed, have ultimately prevailed. I am as far as any man, sir, from wishing not to hold high the undoubted privileges of this house; but if I am right in my general view of this subject, I think the determination to which I am alluding ought not to be laid out of our consideration, because it goes to the very essence of the measure itself, I mean as far as relates to the practical advantages that are to be derived from it. Supposing then that we were all agreed as to the propriety of granting the prayer of this petition, is it not our duty to consider what bad effects might be produced by the marked difference which would then subsist between this house and the other branch of the legislature upon this subject? If carried at all, it ought, as I have already stated, to be carried with general concurrence, and when an endeavour is made to carry a measure, the object of which is to conciliate one part of his majesty's subjects, care must be taken not to shock the feelings of a much larger class of the community. Under such circumstances, when such an opinion has been given by another branch of the legislature, we are bound to take it into our consideration in deciding upon the line of conduct we ought to adopt, because this is a subject in which no man can act wisely or prudently who acts entirely from his own views or his own feelings. It is his duty to his country, to the catholics, and to the community, to look at it in a combined point of view, to consider all the probable effects of carrying it (if it were practicable) with such a strong sentiment prevailing against, or of failing to carry it, may produce. Upon this part of the subject there is one point on which I wish to say a few words. It has been urged by some gentlemen, that we ought to go into a committee, whatever we may resolve to do at last; and some of the minor grievances under which the catholics are said to labour have been pointed out, upon which it is said there can be no difference of opinion on the propriety of granting them relief—such as the circumstance of catholics engaged in a military life coming over to this country, and who are thereby exposed to the operation of the test act, which they are not at home. Another circumstance which has been mentioned is, that the catholics in the army are not only to be allowed to have mass performed, but they are compelled to attend protestant worship. Sir, I contend that these points are much too unimportant to induce us to go into a committee upon a petition which embraces the whole of this important subject, and which excites the hopes and fears of all the subjects of the united kingdom.—I again repeat, that I do lament that this subject has now been brought forward; I lament for the sake of the catholics themselves; I lament for the general interest of the country, that gentlemen have thought proper to agitate this subject at this moment. That gentlemen have a perfect right to exercise their judgement upon this subject I do not deny; I do not complain of their conduct; I only lament that they have felt it their duty to bring it forward at this period, and under the present circumstances; when, if they were to succeed, the consequences would not be such as we all desire; and if they fail, they may be such as we must all regret. And now, sir, let me ask the hon. gent. who has brought forward the present motion, and who fairly avows that his object is that every thing should be conceded to the catholics; let me ask the hon. gent. (Mr. Grattan) who supported the motion last night with such a splendour of eloquence, what effect this is likely to produce upon the catholics themselves? When the hon. member, or the hon. mover of the question, talk of the effect of disappointing hopes that have been raised, I trust they have over-rated and exaggerated it. But one of these gentlemen did state, that amongst the possible causes of a religious feeling having mixed and operated in the late rebellion, might be enumerated the hope held out by lord Fitzwilliam, that the claims of the catholics would be taken into consideration. They allege the disappointment of that hope as one of the causes that might have tended to produce the rebellion. If that be their conviction, what must they think who wish to go into a committee upon the petition, and yet are of opinion that they still reserve to themselves the freedom of rejecting it altogether, or of rejecting it in its most important parts? I submit this to the consideration of the house shortly, but distinctly; it rests upon grounds so obvious and so strong, that it will be taking up your time unnecessarily, to debate upon them. I submit this with a wish that the measure will be brought forward and carried with any thing like a general concurrence. But, the circumstances which rendered it impossible for me to urge and press it then, make it impossible for me to urge and press it now; feeling as I do, that to press it, and to fail, or to press it and even carry it with such a strong opposition, are alternatives, both of them so mischevious, that it will be difficult to decide between them. Seeing, sir, what are the opinions of the times, what is the situation of men's minds, and the sentiments of all descriptions and classes—of the other branch of the legislature, and even the prevailing opinion of this house, I feel that I should act contrary to a sense of my duty, and even inconsistenly with the original ground upon which I thought the measure ought to be brought forward, if I countenanced it under the present circumstances, or if I hesitated in giving my decided negative to the house going into a committee.

Mr. *Windham* rose and spoke in substance as follows: Sir, I consider the question now before the house, as one naturally and immediately the consequence of the legislative union established between Great Britain and Ireland, and one to which the catholics of Ireland were certainly taught to look forward in the course of all the arguments urged in favour of that measure, both in and out of parliament. I think, and have long thought, it is that measure by which alone the great union of protestant and catholic can be brought about. When the proposition for the union was first brought forward, I had strong objections to the measure; and I was only reconciled to it upon the idea, that all disabilities attaching on the catholics were to be removed, and that the whole population would be united in interests and affections. Believing this to be the case, sir, and finding that impediments were started to this measure much stronger than I was prepared to apprehend, I relinquished the administration, because I thought the measure indispensable to the safety of this empire; and I have seen nothing since to change my opinion on that point. The right hon. gent. has avowed that his opinion was then the same; and surely if it was expedient in 1801; if the circumstances of the country then imperiously called for its adoption; surely it is still more loudly called for by the circumstances of the present moment; and I know of no alteration that has taken place in the circumstances of the empire that can be truly said to render it less expedient now. The right hon. gent., in every thing which he has offered as argument against the question itself, has referred to times past; but how those arguments can apply to the present day he has not stated. The right hon. gent. has said that many persons are averse to the measure, that the clergy and the nobility are opposed to it, and that the public mind is not unanimous in its favour. Why, sir, if the catholics are to be told they must wait until all the objections which passion, or prejudice, or ignorance, or caprice may suggest, are perfectly silent; and that no man is to be found in or out of parliament opposed to their wishes, I am afraid their hopes of success must be postponed to a very distant day indeed: but, sir, I am not aware of this very general sentiment of the leading clergy, the nobility, or the public at large, against this measure; unless we take the speeches uttered in this or another house of parliament, opposed by other speeches, at least equally strong and independent, for that general sentiment; or unless we consider the declarations of a few individuals, in different quarters of the kingdom, or a few newspaper publications from prejudiced authors, as expressive of that general sentiment. But if arguments drawn from such sources are insisted on; if no measure is ever to pass in parliament which has not the unanimous sense of the country in its favour, prejudice and passion may for ever triumph over reason and sound policy. But, sir, as long as a catholic remains in these countries, such objections will exist. They are founded upon the very essence of opinions, which you can never remove from those minds, on the very first principles of which they are rooted. And so long as they exist, there never will be wanting an outcry against the claims of the catholics. I should be glad to know what public question that ever came forward in this house has had in its favour such unanimity, that there could be no objection to it? While we have to encounter prejudice and oppose confederacy, how is it possible that truth and reason can be victorious with unanimity? But to say that this house is to be deterred by popular clamour or prejudiced objections from exercising its fair judgment, is tantamount to a declaration that no disorders can be removed, no abuses corrected, no tyranny subdued. I therefore must resist and deprecate such arguments coming from the righ hon. gent. against this motion, as unparliamentary, unconstitutional, and dangerous. But, sir, I know of no reason why that measure which his majesty's minister is of opinion was expedient, and ought to have been done four years ago, and may be done hereafter, ought not to be done now: and as to any danger that can arise from bringing forward the question now, as is alledged without the chance of success, the only mischief I can apprehend is from the refusal, which must recoil upon ministers themselves, as the cause of it. The whole of the right hon. member's speech upon this subject is indefinite, full of mystery, and, to me at least, not clearly intelligible. The right hon. gent. has talked of expediency as distinct from right. But the claim of the catholics is not set up upon what is termed a fantastical claim of right, but a plain and common right to an equal share and participation in the benefits of the constitution under which they live. I am myself disposed to rest the principal part of the claim upon expediency, without excluding right. But the right hon. gent. will hear only of expediency. But this sort of attack upon principles of right cannot be maintained. Rights, in the strictest sense of the word, as employed by the right hon. gent., no where exist: but even on the ground of right as a claim of nature, the catholic petition, I say, is founded in justice. They state that what they ask is founded on political expediency; and the policy and expediency of acceding to their petition, is only rebutted by alleging, that to grant their claims would be attended with the greatest danger to our protestant establishments in church and state. What this danger is, from the best consideration I have been able to give to the subject, I am utterly at a loss to discover; the onus of proof lies upon those who plead that danger. But, looking to all the dangers; as well these which those who oppose this motion plead, as those which there may be any reasonable ground to apprehend, I think that to grant now the claims of the catholics is by much the less dangerous policy to pursue. For the present, however, I shall not trespass on the attention of the house by arguing the question further; I shall content myself with entering my solemn protest against the species of argument urged by his majesty's ministers against this petition, and declaring my firm resolution to persevere in this object, which I consider as best calculated for the safety of that very protestant establishment to which it is said to be inimical; and I have the strongest hope, anxiety, and confidence, that the period is not far remote when this house will see the justice and sound policy of conceding this salutary, wise, and beneficent measure.

Sir *John Newport.*—Sir, though I naturally feel solicitous (feeling and thinking as I now and always have done upon this subject) to assign my reasons for the vote I shall this night give on a question of such vital importance to the empire in general, and Ireland in particular; yet even under this impression, the lateness of the hour will prevent me from trespassing more than a few short minutes on the attention of the house; nor should I now have risen but for the purpose of viewing this subject upon the untrodden ground of an example, so precisely opposite in all its circumstances, and bearing so directly on the temperate requests of the petitioners, as to call forcibly for your notice.—It is the result of an experiment fairly tried upon a great nation, possessing above seven millions of inhabitants, varying most widely in their religious tenets, convulsed by the difference of those tenets, and the restrictions founded upon them during many centuries; yet at length procuring internal peace and tranquillity, and external strength and respect, by the sacrifice of those restrictions. The nation, sir, was Hungary; of her seven millions of inhabitants one half were protestants, Calvinists, and Lutherans; many of the Greek church, and many Jews. Often had even Mahomet been called in to the aid of Calvin, and the crescent glittered on the walls of Buda. At length, in 1791, at the most violent crisis of disturbance, a diet was called, and passed a decree, by which they secured the fullest and freest exercise of religious faith, worship and education; ordained that churches and chapels should be built for all sects without description; that the protestants of both confessions should depend on their own spiritual superiors alone, freed from swearing by the usual oaths, namely—"by the holy virgin Mary, the saints, and chosen of God." And then, sir, came the great and leading clause, granting, in the fullest extent, every point which is in the utmost contemplation of the present petitioners to this house:—"The "public offices and honours, whether high "or low, great or small, shall be given to "natural-born Hungarians, who have de-"served well of their country, and posseses "the other requisite qualifications, without "any respect to their religion." This, sir, was the policy pursued in an Hungarian diet, consisting of nearly 400 members, in a state whose form of government approaches more nearly to our own than almost any other in Europe, with a Roman catholic establishment of great opulence; adopted, too, at a period when it was to be subjected to the severest trial as to its social and political effects. It has passed that fiery ordeal: it has undergone a trial of fourteen revolutionary years, equal, in fact, to the trial of a century less disturbed and agitated: and what have been its effects? When the French advanced in their course like a torrent, within a few days march of Vienna, the Hungarians, before so divided, and so disaffected to each other, rose en masse, as it is termed, "in the sacred insurrection," to preserve their sovereign, their rights and liberties: and the apprehension of their approach dictated to the reluctant Buonaparté the immediate signature of the treaty of Leoben. Such, sir, have been the effects of such a measure in Hungary. The Romish hierarchy in Hungary exists in all its former splendour and opulence. Never has an attempt been made to diminish it: and there, almost alone in civilized Europe, at least in that quarter of it, have revolutionary principles failed of making the smallest successful inroad. Does this case, or does it not, as I have stated, bear directly on the case of the catholics of Iresand? Has a

Roman catholic potentate, not the least attached to his religion in Europe, set you such an example, and given you decided proof of its great and happy effects, by such a trial? And do you, a protestant legislature, fear to submit your religion to a similar test? Will you eternally keep up the wall of proscription, when they have thrown it down? This, sir, affords a direct refutation of the assertion made in the petition from the city of Dublin, (see p. 218) which states that the Roman catholics are at present placed upon a footing of political power not enjoyed by any other dissenters from the established religion in any other state of Europe. Convinced as I am, sir, of the wisdom and sound policy of acceding to this petition, I shall give my most cordial assent to the motion of the hon. member who so ably introduced this debate.

Mr. *Maurice Fitzgerald* (knight of Kerry) protested, that the conviction upon his mind upon the present question was, that if the decision was not certain, he would anticipate the most fatal and dangerous consequences arising from it. One point only he wished to direct the attention of the house to. He had uniformly supported this measure, while he had the honour to sit in the Irish house of commons, and gave his vote for the union of the two countries, with the conviction on his mind, that the present measure would immediately follow. His only hope at present was, and he implored the house most earnestly, that if they should refuse to go into a committee upon the petition, the gentlemen of this country particularly would obliterate from their minds the gross and scandalous calumnies which had been thrown out against the catholics of Ireland, and which would only be cast back with increased disgrace upon the fabricators. He spoke as a man of candour, and he again hoped the gentlemen of England would not be led away by such foul calumny and virulent abuse.

Mr. *Archdall* said, as the subject was so much exhausted, he should not enter into the discussion at large, but rose only to justify, if he could, the opinion on which he should give his vote, and to advert to some opinions which other gentlemen had given, and from which, very respectfully, and, indeed, reluctantly, he confessed he must dissent. In this he should avoid every thing which could irritate the catholics; it was sufficient for him if his conviction compelled him to oppose their petition. He never would affront their feelings, which he neither wished nor was able to do. He said he should not be glad to have the ability to do it, and he should be ashamed to have the wish: but, it was with regret that he adverted to the opinion of a learned gentleman opposite (Mr. Ponsonby) who, in answer to what he called the calumnies of the hon. and learned doctor's speech yesterday, had said that the hon. doctor himself was a contradiction of those calumnies; that they could not be true, and that the Irish were not of the sanguinary temper which had been misrepresented, was proved by the hon. and learned doctor's walking the streets of this metropolis in safety. He said he would not call such an opinion as this a hint, for it was in truth, very broadly expressed, nor was it necessary to notice it, farther than by saying, it reminded him of a familiar and ludicrous story of the quaker and the mad dog. "I will not beat thee nor kick thee, but I will turn thee out and give thee an ill name." He was sure, however, that the learned doctor would still continue to walk the streets in safety. He said, he could not agree with the hon. gent. who introduced the petition; and who had represented the catholics as having given support to the union, and as having for that reason a right to claim the object of their petition. He said, on whatever ground their claims might be founded, they could not be founded on that, for it was well known the support they gave the union was a very poor one. He would tell the house what it was. It would appear in three instances, which he would mention without any remark: first, however, wishing the house to recollect, that the public affairs of the catholics had been used for many years to be conducted by a select committee, consisting of gentlemen the most distinguished in the catholic body for their property, principles and talents, and in number about sixty. Of these the late lord Kenmare was at the head. A most amiable and respectable nobleman. Who was at the head of it now, he did not know. He said, when the union was first proposed to the house of commons of Ireland, it was scarcely considered enough to be debated; it was defeated; for, though it was indeed carried through the house by the accidental majority of a single voice, this was defeat sufficient to induce the prudence of government to postpone it to the next session of parliament. On this occasion how did the catholics act? It was an occasion so important that they could not have been indifferent to it, and must have had an opinion one way or the other; but they kept aloof and kept silence, which might be interpreted either way; they said nothing, and they did nothing, and this was the first instance of such support as they gave to the union. The union, however, was still going on; but while it was uncertain which way it would go, the catholics at last broke through their silence, and one of their select committee came with a message to some of the gentlemen who conducted the opposition to the union, which message in substance, and he believed in words, was this, "if you, gentlemen, will now join us in insisting on our emancipation, we will join you in opposing the union." Those gentlemen thought it best to decline this overture, and this is the second instance of the support which the catholics gave to the union. But the next session of parliament was now approaching, and this great measure of the union had now been so much considered, that addresses in its favour came from every county in the kingdom. Among the signatures of the protestants to these addresses, appeared the signatures of many catholics; catholic noblemen, and catholic clergy, and some catholic individuals sent addresses from themselves. But, was there any address in favour of this measure from the catholic body? No! Was there any address from the select committee? No! Was there any summons, notice, or advertisement for any public meeting under any denomination, where the influence of respectable catholics, individually or collectively, might have been of use in promoting the union? No such thing! In spite of this, however, the union passed into a law in parliament, and this was the third and the last instance of that support which is boasted to have been given by the catholics to the union. How far, on this ground, their claims could be entitled to success, he would leave the house to judge.—He said, there were other grounds, on which at another time, those claims might appear more probable to succeed: for, recollecting the concessions which were made to them in the year 1793, and at the express recommendation of government, in which he had concurred with many gentlemen then present; recollecting that they had pledged themselves in an address almost unanimous to the crown, that they would consider on such measures as should tend to unite in sentiment all descriptions of his majesty's subjects; recollecting, that to carry this purpose into effect, how much there was still to do, he thought the catholics had good cause to expect that more would be done. He said it might be wise to make concession gradual; because, all which is right, cannot always be done at once. He said, the embarrassment of the question was not what more was to be done, but that at present we could do nothing; that in this point of view, the catholics had a good cause badly conducted. A cause which the protestants had contributed to make good, and which the catholics had conducted badly. By this he did not mean that the catholics were bad subjects, for he believed them to be loyal; nor that they were bad men, for he believed them as good as the protestants; nor that this was a bad petition, for it was very well and respectfully worded; nor yet that their cause was badly conducted by being placed in the hands of the honourable gentleman opposite. He said, that when the catholics were once determined to apply to that house at that time, which was all the badness of conduct which he meant to mention, and when the king's minister had declined to interfere, there certainly was no interference more powerful or proper for their purpose than that which they had solicited from the hon. gentleman, who, he said, was so much distinguished every where as a friend to religious and civil liberty, whose temper invited confidence and good will from every body, and whose talents commanded every body to respect him. What he thought bad in conducting this petition was, that it should be introduced at this time by any interference or from any motive: he thought it bad to risk the importance of the precedent, for though in such a case the precedent could not be repeated often enough to become a habit, still it was bad to familiarize the people of England to the circumstance of the house of commons putting a negative on any request from the catholic body of Ireland. He said, it was still worse to risk the importance, or if gentlemen chose, of the misrepresentation of its being said, that the catholic body was exhibited in the house of commons, as the ally of a party. He said that the parties in the house of commons were fit only to contend with each other, that the catholic body should look to neither of them, and neither of them should look to the catholic body. The hon. gent. said, that for such reasons as these, and for others which might be mentioned, without entering into a religious or political disquisition of the question, he should concur with the right hon. gent. on the floor in declining to refer it to a committee.

The hon. *Henry Augustus Dillon* professed his determined support to the petition, and although he had hitherto generally supported the measures of the right hon. gent. opposite, yet as he had determined to resist this petition he could no longer augur favourably of his intentions towards Ireland, and in conscience and in honour could no longer give him his support. He considered the stories which some gentlemen had been pleased to tell that house, as gross calumnies, meant to mislead them. He disclaimed the charge urged in the course of the debate, that this was a party measure. It was a measure involving the rights and liberties of several millions of his majesty's loyal subjects; and it would be wantonly to sport with their feelings, that this measure should be considered merely as a measure of party. It was a claim that closely attached to the safety of Ireland. Martial law it had been thought necessary to proclaim in Ireland, and the habeas corpus act was there suspended. The hearts of the Irish people had been alienated by severities and oppressions; and government deemed it impossible to carry on its measures but by strength and coercion. But, if this measure was allowed to pass, such expedients would cease to be any longer necessary, and the mass of that brave and grateful people would present a firm, an iron bulwark for the protection of this country against the designs of this enemy.

Mr. *Shaw* (member for Dublin) spoke as follows: Although, sir, I wish I had not to address you on the subject before the house, yet I cannot reconcile to my sense of public duty to give a silent vote upon the occasion; nor, though that duty be painful, will I shrink from its open and manly performance. Intimately connected as I am with the prosperity of my native land, it must be expected that upon any question connected therewith, I shall give a sincere vote. Those who know me will believe that I shall do so this night, in honest accordance with my conscience, my judgment, and what I conceive to be the sense of my constituents. In common cases, profession of principles and independence would only appear superfluous; but, where prejudices are to be combated, and popularity is perhaps divided, I feel it not unnecessary to assert my complete independence, alike of ministerial influence and of popular clamour, should the one be supposed adverse, or the other favourable to the prayer of the petition.—Having thus far trespassed on the house to disclaim, in my vote, all sinister influence, I now beg its indulgence to a few reasons, which I shall briefly and plainly advance in support of that vote.—It is impossible that I, in common with every member of this house, must not feel affected by the torrent of eloquence poured forth by the hon. mover and supporters of the motion; but I have not been convinced; and while I admired, I was awakened to a sense of the necessity of recurring to those obligations which I accepted with the great and honourable trust reposed in me by my constituents; and their sentiments on the subject now before us have been too recently and too strongly expressed in the petition on your table, for me to affect to misunderstand, or with propriety oppose: neither can I be insensible to the paramount duty pressing upon me to support the constitution, as it has been entrusted to my care; and unless instructed to the contrary by the express will of my constituents, I shall endeavour, at the appointed season, to yield up my trust as unimpaired as can depend upon my humble but zealous exertions.—I know, sir, that the doctrine has often been advanced, that a member of parliament is not to be limited in his duty by local attachment; that he is the representative not of a part but of the whole. This I reject; and were I to admit it generally, I should feel my own case a strong and overruling exception.—A great capital possesses peculiar and commanding influence over the representative; and to attempt to despise its sense, or divert its interests, is that bold and perilous kind of enterprise which I confess I dare not undertake. I feel embarked in one bottom with the city of Dublin; and I never shall set my opinion above that of its electors, nor wilfully act in contradiction to their wishes. But, sir, while I profess to obey implicitly what I conceive or know to be the will of my constituents, I deprecate the remotest idea that I entertain a feeling hostile to my catholic countrymen, or that I am not as sincerely attached to their real interest as any gent. who this night supports the petition on your table. Sir, I know that if those interests had been honestly and truly consulted, that petition would not now be under discussion; a subject of such importance, involving such a variety of interests, and exciting such warmth of feeling, would never have been brought forward at such a time as this, nor have been made an instrument to embarrass the executive power, when the completest unanimity within and without these doors is necessary to oppose the most formidable and malignant enemy that ever threatened our political existence.—The petitioners support their claims by the assertion of their loyalty. If that loyalty is questioned, it is not by me. No man has greater confidence in the loyalty of the Irish catholic, when left to the genuine influence of his own heart; but I must remark, that the petition on your table holds out an indirect threat to parliament, and by asking you to do away those distinctions which make a foreign enemy rely upon the aid of disaffection, it in some degree admits, that should you not accede, such aid may be given, should the occasion offer. In the event of such a trial, I know the superior strength of Irish loyalty, and that my country was never better prepared to meet and to crush a foreign or domestic foe. But, sir, I am willing for my own part distinctly to acquit the petitioners of any such meaning; and I wish the Irish catholic better than that he should derive from our fears what our prudence and inclination would not grant him. I feel an anxiety for his honour as well as his interest; and I trust, that whatever he may receive on a future day from this house, shall be the result of cool, mature, and impartial deliberation, and be given to him in a manner consonant to that dignified weight which I wish every class of my countrymen to maintain in the scale of public opinion.—Should the day come when every civil distinction shall be removed, I wish the boon unaccompanied by reluctance and distrust; I wish it to be when the Irish catholic is relieved from the odium and suspicion derived from his foreign connexions and influences, and when the directing head of his church shall not be the instrument and slave of that sanguinary despot, who is the implacable foe of the constitution and liberties of this empire. But, sir, is the house prepared to entertain this petition without going farther? What is to become of the English catholic and English dissenter? Sir, I should be ashamed to look the latter or either in the face, if I committed such flagrant injustice as to exclude them alone from the privileges now required of us. Without intending any invidious comparison, I know that his majesty does not possess a more loyal, sincerely attached, and valuable subject than the Irish dissenter; and the English dissenter may well be supposed not less meritorious. If there are tests to which those professing certain creeds cannot subscribe, are they alone to be bound by the influence of conscience, and its dominion denied where it should most prevail; and where it is the bond of our liberties and our laws? No, sir; and until some reconciling mean can be adopted, let us remain as we are, and all unite in maintaining against the comon enemy that constitution so superior to all others, and which is the sole refuge of civil liberty in this quarter of the world.—I ask pardon for having occupied the time of the house so long; but having the honour to represent the capital of that country, whose interests are so vitally involved in the present discussion, I felt it imperative upon me to lay before the house my reasons for voting against the present motion.

Mr. *Hiley Addington.*—I rise, sir, merely to give an explanation on one point, in which I am sure the liberality of the house will go with me; it is too on a point in which I think the hon. gent. who opened the debate will not be disinclined to be set right. In the course of yesterday's debate one of his arguments was, the hope that was held out at the time of the union, that catholic emancipation was likely to follow that great measure, and he was pleased to quote a speech from a noble friend of mine (lord Sidmouth) in which he quoted part of a letter written from an hon. and learned gent. (Dr. Duigenan) to an hon. gent. (Mr. Grattan) now a member of this house. The hon. and learned gent. did explain that passage perfectly correct. Now, sir, I will only add one word more. If the hon. gent. had gone further he would have found that what my noble relation did say, was this; "that if he was put to the necessity of chusing between the total emancipation of the catholics, or the re-enactment of the penal laws, in such an alternative he would prefer the latter as the lesser evil. He hoped, however, that the legislative union would remove the necessity of such an alternative." I trust I shall be pardoned for making this short explanation. I agree with all that has been said as to the loyalty of the catholics; but, believing that granting the prayer of the petition would occasion a revolution in the laws of the land, and lead to the repeal of some of the wisest of them, I shall certainly give my vote against it.

Mr. *John Latouche.*—Sir; it is with great regret that I differ on this question from a very respectable part of my constituents; men for whose sentiments I shall ever entertain the greatest respect. The corporation of the city of Dublin, who have petitioned against the claims of the catholics, have ever been loyal to their king and constitution; zealous supporters of the protestant establishment: and did I conceive that going into the committee would endanger that establishment, there is no one who would be more ready to give a negative to the motion of my hon. friend; but so far from thinking that the measure proposed would weaken that constitution, I am convinced it would not only tend to confirm that establishment, but also strengthen the foundations upon which rests the security of the empire. The advantages to be derived from the adoption of this motion have been ably proved to be considerable in number and great in benefit; and, in my opinion, it has not been proved to this house, that any danger is likely to ensue from it. Granting for a moment, what I do not allow, but what the most violent opposers of the catholics could urge against them, that there exists in a part of that body of men a decided animosity to the British constitution, and a violent desire to effect its ruin; granting, for the sake of argument, that such is the disposition, such is the object of men amongst the catholics, the means of effecting their purpose and accomplishing their wishes would be totally destroyed by the measure proposed this night. Will the house consider what are the means by which the disaffected would endeavour to obtain their object? It has been already clearly proved, that admitting catholics to seats in parliament could never, in the opinion of any man in this house, give them sufficient weight in it to carry measures destructive to the constitution. It cannot be supposed that the number of Irish catholics, whether 20, 40, or even 100, that would be returned, could ever prevail on the remaining 558 English and Scotch members to unite with them in the destruction of a constitution they all venerate; which has raised their country to the height it now is placed in; for which their ancestors fought and bled; and for whose defence I trust, if called upon, we are all ready to risk our lives. No, sir, it never could be by parliament that they could hope to overturn parliament itself; but, possessing as they do a population of nearly four millions, would it not be by that physical force, aided and assisted by a foreign power, that they could alone hope for a probability of accomplishing their objects of overturning the constitution and separating the two countries? It is by arraying this population against you that they could alone be formidable: but by adopting this measure you will remove for ever the remotest possibility of their doing so; by giving an equality in the blessings and enjoyments of the constitution to this population, you will have them ranged not against you but for you. But while distinctions and inequalities exist; while you permit an appeal to their passions and perhaps to their reason, that though they equally contribute their property with their protestant fellow subjects; though they have spent and are daily spending their blood in defence of the constitution; though by their exertions they have added to the laurels and contributed to the safety of the empire; that though they have patiently and cheerfully shared with the protestant equal dangers in time of war; yet they are not allowed to share equal advantages in the hour of peace: such an appeal must have some weight upon the mind; and though it would not separate those who have still many reasons to be attached to the constitution; yet, by destroying the possibility of its being made, you weaken the efforts of your enemies. It is these distinctions that have given rise to a spirit of party, that has been the misfortune of Ireland; that has constantly and uniformly checked its progress towards improvement in time of peace, and I am sure increased its dangers in time of war. By removing the conviction in one man's mind that he possesses superior advantages, in the other that he labours under disabilities and restraints; by taking away this double conviction you will give a death blow to party spirit; for it is by this policy alone that the violent of both parties have been able to agitate and irritate; I should almost have said exasperate the minds of the people against each other, even at times when the situation of the country and the danger of the state imperiously demanded harmony and unanimity. This subject has been so ably argued on this side of the house, and so feebly, in my opinion, on the other, that I feel it is but pressing on the patience of the house to urge any thing more in favour of the motion. But I cannot avoid stating how much will be gained by the destruction of all party spirit. Consider Ireland with a liberal mind, you will lament the disunion of her people; but look at the situation of Europe, and the contest in which we are engaged, you will not only look at it with sorrow, but you will see the necessity of endeavouring to harmonize and unite. We may hope to defend Ireland by having the command of the seas, by blockading the fleets of our enemies; this mode of defence has failed already, and may again fail; but give to Ireland, to all its people, an equal interest in the defence of the constitution, equal enjoyments of its blessings, you will then have a defence invulnerable by your enemy, which I doubt if the enemy would dare to encounter; but which should he attempt, I have not the smallest doubt that the result would be defeat to him and security to us.

Sir *John Coxe Hippesley* said, that though he had risen very early in the debate with much anxiety, to deliver his sentiments on this important question at some length; he had nevertheless given way, with great satisfaction, to the hon. member, (Mr. Grattan,) from the display of whose splendid talents so much expectation had been justly formed. As he now saw the house, at that late hour, little disposed to prolong the debate, he would trespass on their patience no further than to state two facts of considerable interest, and he would leave gentlemen to draw their own conclusions from them. The first was the constitution of Corsica, as ratified by his majesty, and which stipulated that the Roman catholic religion, in all its evangelical purity (which were the words of the act), should be the only national religion of Corsica, and all others tolerated; and that the parliament should concert the discharge of the functions of the bishops with the see of Rome. The other fact was, that a Roman catholic priest, of the name of M'Donnel, had been commissioned by his majesty in the year 1794, as chaplain to a catholic fencible regiment raised in Great Britain. The hon. bart. said, he would leave those who rested so much on the presumed restrictions which appeared to them to grow out of the coronation oath, to form their own estimate how far these gracious acts were reconcilable to their interpretation of it, or whether his majesty was not at liberty thus to gratify the expectations of that description of his subjects, without trenching on the principles of the constitution. As the house was so impatient for the question, he would say no more.

Lord *De Blaquiere* rose in the midst of much clamour for the question. He said he could not have believed that in a question, wherein the vital interests of Ireland, one in which even her existence might be at stake, that the gentlemen of this country would have shewn so much impatience. He hoped it would turn out to be true as gentlemen asserted, that this was no party question—that public good, and public good alone, was the motive. He could not forbear however, to augur ill of the proceeding, when he recollected the manner in which the business was opened by the hon. gent. (Mr. Fox). Why bring in lord Melville upon this occasion? What had lord Melville to do with this debate? In truth, it led him to fear, that when the house divided, we might, peradventure, see the very same gentlemen walk out in a body who had uniformly voted against the Defence Bill and every other proposition of the present administration.—The noble lord spoke in harsh terms against the measure, as calculated to injure our highest interests, and asserted that the petition could not now, nor at any other time be entertained, without manifest danger to the constitution both in church and state.—At so late an hour, and after such an ample discussion, he should study to compress the little he had to say in the smallest possible compass. He would not at this moment, enter into the precise merits of the dispute, how far in prudence, or in policy, these claims could be allowed; all he should contend for was, that it made a radical change in the constitution. And such gentlemen who were not satisfied with the constitution we have, would do well to vote for the petition. Are gentlemen prepared, he asked, if they are, let them avow it, to thrown down by one rash resolve the main pillar and support of the first principles of the reformation, purchased by the blood, and confirmed by the virtues, of our ancestors? And are they decidedly ready, to try an experiment, which may cost no less perhaps, than their very existence?—This, however, he did not wish to press; all he asked, and all he wanted, was decision. Leave not that ill-fated country, said the noble lord, in suspense, groaning between these difficulties. Leave not this question suspended over their heads like a rod of iron, as a scourge for sins which they may not have committed. The difficulty, he admitted, was evidently great. Give the catholics what they ask, and you will not satisfy the protestants. Refuse the catholics what they desire, and as it has been repeatedly asserted, you drive that body to desperation. Whichever way you opine, universal satisfaction was impossible. The difficulties are transcendant; but there is no course so bad as that, which, he feared, the house seemed disposed to take that night; namely, a determination to do nothing at all, for he did in his conscience believe, that so long as that question should be kept afloat, there would be no tranquility, no peace in Ireland. He was happy, however, that the question had undergone this long and minute investigation, as it would shew to the catholics, among whom, there were many loyal and good people, that what they asked was impossible.

Colonel *Hiley Hutchinson* said, that at that late hour, and after the display of talent on one side, he should have thought it presumption in him to have troubled the house; but a wish to refute the libels and scandal which had been thrown on the petitioners, induced him to offer a few words. It had been said that they were disaffected. It was for those who knew them not to use such language. A learned gent. (the attorney general) had said, that instead of granting indulgences to the Irish catholics, it might be deemed expedient to recur to the penal code! Such sentiments from such a quarter bore with them their own commentary. The hon. colonel here proceeded to read some extracts from the pamphlet of Mr. Scully (an Irish delegate) which were so ill received by the house, that we could not even collect their tenour. Notwithstanding which the hon. colonel proceeded. He said he would not be indecently prevented from delivering his sentiments as an independant member of parliament. If gentlemen were fatigued, let them move an adjournment. Did he not think that he should be disgraced if he were not to offer his sentiments, nothing should have induced him to offer himself to the house. He said the catholics were contending, not for equal power but equal privileges. The hon. colonel animadverted with much severity on the conduct of the noble lord (Castlereagh) who was instrumental in bringing about the measure of a legislative union. He called upon that noble lord to fulfil the pledge that was at that period held out to the catholics. He did hear him say, that a fair system of policy was to be adopted. He now called upon ministers to fulfil the pledge given to the people of Ireland, unless it was their intention

> "To palter with them in a double sense,
> "To keep the word of promise to their ear,
> "But break it to their hope."

The *Attorney General* felt it necessary to explain. What he had said was, that if the house expected the catholics would be conciliated, by acceding to their petition, they would be mistaken, as he believed they would want something more. The other point was, that he had been represented to hold out the threat of reviving the penal code. This was a mistake; he thought it a bloody and cruel code. But he had said, that if he had been consulted he should have opposed granting them the elective franchise, and the establishment of a college at Maynooth.

Mr. *Hawthorn* said, that at that late hour he would not intrude upon the exhausted patience of the house by entering at large into the argument; but that he was unwilling to give a silent vote upon so important a question. He freely admitted that it had been his wish that this measure should not have been brought forward, or discussed, unless under the reasonable prospect of success, which in his mind did not exist at present; but those who were so much and so peculiarly interested in the result having judged otherwise, and the discussion having taken place, he had no hesitation in declaring, that he considered the complying with the prayer of the petition to be essentially necessary to the peace and repose of Ireland, the stability of the union between the two countries, and the safety and security of the empire at large; and therefore gave his decided support to the motion.

Sir *George Hill.*—Sir; I shall not now further trespass on the patience of the house, than to contradict some unfounded assertions made by the hon. mover and a distinguished supporter of this petition (Mr. Grattan); but first I must notice, from the time and circumstances under which this measure has been brought forward, that I very much question the sincerity of the agitators of it, and for various considerations do pronounce it a party trick. (A cry of order! order!) I feel, sir, my words are not strictly in order, and I shall change them. I pronounce then, sir, that this question has been brought forward at this time to obtain thereby the weight and support of the influence of the catholic body to serve party purposes; this, it is not disorderly for me as a member of this house to state, and it is the truth. The mover of this petition knew full well that obstacles insurmountable stood in the way of its success; that the minister, after consulting the highest authorities, and the judgments of the most experienced men around him, deemed it expedient to decline bringing it forward himself, and advised that it should not now be offered to parliament. The leading and best disposed catholics themselves are believed to have held the same sentiments as to the propriety of withholding their claims for the present; but I charge that opposition, aided by the democratic part of the catholics, over-ruled this determination, and forced forward this discussion. The hon. mover of the petition and his friends were impelled by the hope of thereby discharging themselves from an obligation to the catholics, and of fixing against the minister the forfeiture of an alleged pledge he had given to that body; from this, however, the chancellor of the exchequer has been exculpated, although he does still hold opinions favourable to their claims.—I have myself been constantly in the habits (I speak it with due humility) of giving for many years my best political support; but I cannot, on the present occasion, consider him altogether blameless, feeling as I do that no individual possessed of great authority, both from his character and situation, ought to announce his opinion and his desire to make such an innovation in the constitution, without in some degree giving the protestants a detail of those guards and securities (which he alludes to merely in general terms) for their liberties and for their estates.—Previous to the possibility of admitting catholics to sit and vote in parliament with safety to the constitution, there are many alterations which their church and people ought to admit. I shall not now detail them, because I should still have my doubts; but sure I am, the catholics themselves ought (if they are anxious to be believed sincere in their professions) to make every change in their church government and discipline which protestant security can require, and which the essentials of Roman catholic faith will permit: such reform would afford more substantial security than reiterated promises, and professions, and tests.—There is one preliminary indispensable; I mean a sufficient establishment, or fund from whence to pay their clergy. The Irish parliament has given them a seminary for the education of their candidate clergy, has endowed it magnificently, induced to do so from the policy of placing over the ignorant lower orders in Ireland, a well-educated englightened set of gentlemen. Having done so, it appears to me a necessary consequence that a provision should be made for that clergy by the state, than that they should be left dependent on a savage multitude for their means of life, and be reduced to the necessity of flattering the propensities and passions of that multitude, and conniving at, if not encouraging their crimes. You must therefore, in order to rescue them from such a thraldom, and render them either good or safe members of the community, give them a moderate independence, and place them above such necessity.—I shall now, sir, content myself with noticing, as I proposed, some mis-statements, and disproving them only at this late hour, by contradicting them without much detail.—The hon. mover has alleged that the ferocious manners of the protestants of Ireland towards the catholics has rendered the latter description barbarous; if true it is that they are barbarous, or unfit to enjoy civil liberty in its full extent: and yet both he and one of his friends (Grattan) deprecate any allusion to violences heretofore committed. So do I; but if such assertions are made, truth must be told. Too many proofs exist up to the present hour of the aggressions and savage bigotry of the catholics; the history of centuries past proves it; modern times prove it; the white-boy transactions in the south twenty years before the rebellion prove it; the events of the rebellion prove it; Wexford fatally and lamentably proves it; Dr. M'Nevin proves it, who tells you of their antipathy to protestants and Englishmen, whom they consider to be the same; and that the catholic body could at any time be brought forward to rebellion by the agency of their priests, whom the leaders of the united Irishmen knew they could set in motion at any moment when requisite, and therefore it was that these leaders first directed their efforts to associate the protestants of the north of Ireland by throwing out the lure of parliamentary reform. But I revolt from these allusions as much as opposition, whose unfounded assertions render them necessary.—I deny utterly the colouring and statement of the seconder of this motion (Grattan) of the events and occurrences, and their causes, of the last twenty years, but more particularly as applicable to our unfortunate disturbances. I do shortly allege that the party occasioned by the anomalous proceedings of parliament in 1789, during the regency, laid the groundwork of the united Irish union, of the commotions, the rebellion, and consequent legislative union between Great-Britain and Ireland.—The king's recovery and discomforture of opposition produced those unconstitutional appeals of the hon. seconder and his friends to the physical force of the country. Too well for the peace of Ireland did he instruct them to reflect and rely upon that force; he and his friends, with this doctrine in their mouths, bid for and misled the protestants of the north, (a gallant race of men devoted to constitutational liberty) by promising them parliamentary reform; the ground to hope that their petition, or the matter of their petition, would be granted. This is not all. Those who were most averse to the catholic claims argued it in a way not like the right hon. gent. opposite, who appeared to me to think that the union would pave the way for the grant of the catholic claims, that it took away the only difficulty which belonged to the discussion of the question, and that, when the union was completed, it would be, in the view of many, more safe to grant their claims, or less dangerous to resist them. If I am told, that the establishment of the measure of the union will produce a time when the claims can be brought forward with propriety, and cannot be refused without danger, I desire to know whether that is not precisely the period, when men who wish well to their country would naturally be inclined to bring them under discussion. What time can be more proper for discussing the claims of any class of subjects than that in which it is admitted they can be granted without danger? I should, therefore, have supposed, that all who thought the union the most certain means of preventing the danger, would have conceived the completion of that union the time peculiarly proper for the catholics to submit, and a member of parliament to recommend, a measure which the friends of it considered right, just, and equitable, to be adopted. But what then? You say to them, "help us in this union; give us that assistance which is necessary to us." Many of the catholics do so; and then your friends, and the friends of the union, tell them they have great hopes their claims may be granted. Then the petition comes, as might naturally be expected it would come, after such an assurance; and in return for the assistance given by the catholics, it is proposed to say, "do not discuss the question at all." It may be said, "why did not the catholics come immediately after the union?" I do not wish to enter into an altercation on that subject; it is most probable that the cause of their not coming sooner was, that the right hon. gent.'s resignation, accompanied with the reasons he gave for that resignation, induced them to adopt the opinion, that they could not with propriety bring their claims forward at that time. But the right hon. gent. in a letter written by him, gives the catholics a justifiable ground of hope, that it would be a part of his future plan to smooth the way, by preparing the public to receive the catholic petition. What must have been the impression on the minds of the catholics in consequence of this? They must have thought that the right hon. gent., during the two years he was out of office, would have directed his attention to the subject, and that he was a little negligent of their concerns, if he did not take quite so much pains as he ought to have done. But it was natural for the catholics, when they saw the right hon. gent. returning to office; when they recollected they had heard him say, that, entertaining the opinion he did of the catholics, he could neither bring their claims forward with safety, or continue in his office with propriety: I repeat, it was natural for them to say, that, "although we did not consider your conduct as a pledge on your part, or a claim on ours, yet when you declared you could not bring the subject forward with hopes of success, nor continue in office, unless you could do so, we had a right to depend on your support, whenever the opportunity was afforded you of granting it. Thus, when we now see you returning to office, we may reasonably conclude you are in a situation in which you may support, encourage, and promote those claims, of which you approved." This was the natural time for the catholics to apply to the right hon. gent. for support, and for him to grant it. I think it is impossible that I can misrepresent what the right hon. gent. said four years ago, in the course of a debate on the state of the nation, and I think that all he has said to-night is a proof that I understood him rightly. He said, that considering the turn the question had taken, considering the infinite importance of the subject to the empire at large, he thought he could not move it with all the advantages necessary to its success, or at least to that species of success, as he expressed it, which would be productive of the result ultimately to be desired; that, under such circumstances, he felt not only that he could not move it himself, but that if it was moved, he should feel it is duty to resist it. If it is true that he told us so, surely it was natural for persons in the situation of the catholics to suppose, that when he returned to office, he would attend to this circumstance. It seems to me, that this night he has gone a good way in stating the singularity of his own conduct. He said, that the question could not advantageously be brought forward, unless with the general concurrence of every branch of the legislature. Such was the reason, he tells you, that he did not bring it on. This

I admit is perfectly consistent with his former professions; yet I think, that in the year 1801, as well as if he was to do so in 1805, he did take a further measure of no small importance to his reputation, and the welfare of the country, by putting an end to his own administration. He has stated all he did at that period. He stated his sentiments then, as he has done now; and I cannot but remark that, in giving an account of his conduct, there is a material alteration and difference in his conduct in 1805, with reference to what it was in 1801. Yet, he has so conducted himself, that it was impossible the Roman catholics of Ireland could know that such a difference of opinion existed, or that his opinions and sentiments were not similar to what they had been. They must have concluded, from the very circumstance of his being in office, that it was his intention either to move, or to support the question. I believe that idea was so firmly impressed on the minds of the catholics, that he could not imagine the fact was otherwise. Many persons undoubtedly thought that there might be some circumstances which might make it proper to defer the consideration of the subject to another session; if from prudential motives it had been recommended to them to defer the consideration of the subject to a future period, I have no doubt that, with the opinions they entertained, and the impressions they were actuated by, they would have readily acquiesced. But when they found that the right hon. gent. could neither now bring their claims forward, that the objections against them would equally lay at any given time, and that, when he continued in office, contrary to his own example in 1801, they concluded, as justly they might, that he had completely changed his mind. It was under that circumstance, and the impression it excited, they came to me; and now, because they have come to me, is it to be said, that they have made themselves the allies of a party? I wish to know what will become of this house, and eventually of the government, and the constitution of the country, if those, who are refused redress by ministers, and appeal to men who, for good reasons, oppose ministers are to be stigmatised with adhering to a party. Are those who oppose administration to be incapacitated, merely for so doing, as independent members of parliament? Are we, the free, uncontrolled, and independent members of this house, and the representatives of the people of England, to be excommunicated in our political capacity, because we are in the performance of a duty adverse to the sentiments of those ministers whose conduct we condemn? We talk of the excommunications of the pope, but can his anathemas be more unjust than those which stigmatise those as the allies of a party, who apply to us for the establishment of their undoubted rights, privileges, and civil and religious immunities, denied to them by ministers, who ought to be foremost in granting them? All I can say is, that I have attentively read the history of the country, but I have formed a very imperfect notion of its constitution, if those who oppose ministers, or who bring forward measures which should originate in them, are to be branded as the instruments of party, and as hostile to those principles to which our free government owes its existence, and the country its prosperity, importance, and pre-eminence among nations. The catholics came to me, because a better chance of success did not present itself to their hopes. They came to me, because they conceived, and I hope truly, that I would do justice to their cause, and because they thought I would do my utmost to be instrumental in bringing it to a successful issue. Is it to be said, because we are not sanguine in our hopes of success, that therefore we ought not to promote enquiry and investigation upon any subject? Is no man to be justified in moving a question of public concern and importance, merely because he does not conceive it will be carried? I beg leave to say, that I am decidedly of a different opinion. I think the house will judge as members of a British parliament ought to judge, that it is their duty to pursue a question of this kind in spite of every temporary obstacle. I am of opinion, that whatever may be, or may have been in another place, the decision upon this question, the discussion will be productive of the greatest good to the country. The complete refutation of the number of false facts which have been advanced, must, and will be attended with the best effects. I am confident that the arguments we have heard, whatever effect they may have upon this house, will have their due weight with the public, and that every man of common sense will see on which side the weight of the argument lies. I am confident, upon another ground, which may be stated as a ground of policy, expediency, and justice, that this discussion will be productive of the utmost benefit, because

I am convinced, that if I had refused to present the petition of the catholics, and the impression had gone over to Ireland, that there was not a member to be found in the British house of commons willing to present their petition, it would have produced a state of despondency and despair in the mind of the people of that country, which would have been fatal to the best interests of the whole empire. They would rightly, but fatally, as to the probable consequences, have judged that there was not only no party, but no individual in England, to whom they could look up with a confident hope of redress. Is it, can it be necessary for me to state to this enlightened house, that a more fatal event cannot happen, or is more to be deprecated, than that three-fourths of the population of Ireland should be justified in the dreadful reflection, that there is not a man in England who sympathises with their sufferings, or who is inclined to exert himself in order to obtain the redress of them? Although such a reflection may be turned to the extreme disadvantage of the empire, I do trust that the people of Ireland will not reason in this manner. I hope they will not say, "we have no friends in England, and therefore we must look elsewhere." Yet the time has been, when such an inference might have been stated with more probability than perhaps at the present moment. It has been said, "let us finish the question for ever." When, I would ask, was it known that such a question could be finished for ever? "Man and for ever!" history shews us, that the most visionary notion ever entertained never went the length of implying that a question of this nature could be finished for ever. Will not the catholics look back to the parliament of their own country—refer to the period of the year 1791? That was a period when no member of parliament could be found to present a petition in their favour. In the year 1792, their petition was presented, and it was rejected by a very large majority; the minority consisting, as nearly as I can recollect, of no more than fourteen or fifteen members. It was then said the question was closed for ever. I dare say the gentlemen who stated that, thought the revival of the question would overturn the protestant government, and the established constitution of the country. They undoubtedly thought that the time for agitating the question was improper and dangerous; and therefore it was that they said the question was, and ought to be closed for ever. Was it closed for ever? Did the event prove that it was closed for ever? No. On the contrary, within twelve months after the question was said to have been closed for ever, it was resumed, and a majority of that house, which had closed the question for ever, did grant the catholics more in the year 1793, than in the year 1792 the catholics had thought it necessary to ask; and in so doing they did right; for if you look back to the history of this reign, you will find, that, in almost every instance, what has been refused to the humble prayer of any class of subjects, who have considered themselves aggrieved, has been granted afterwards by the fears of government. When this country was engaged in a war with France, it was fear and imperious necessity which induced you to grant that, than which lesser claims were refused in 1792. Let me not be accused of menace, when I leave it to the consideration of this house, whether at different periods of the history of this reign, with reference to its various dependencies, government has not, by sad experience, found that the best time for granting indulgences, or, to speak more properly, natural rights, would have been when they were first asked for. If this is menace, then I think prudence must be altogether banished from our consideration: there is no claim of right which may not be construed into menace. If we are compelled to satisfy the claim, and, at the same time, are to be told that the claim is menace, I ask how we ought to have acted at the beginning of the American war? How are we to warn you by the example of the past, unless it is by shewing you that, to avoid danger, you should make concessions in time? I must further observe, with regard to the objections which the right hon. gent. took in point of time, that if his particular object was to conciliate those who were hostile to this measure, not with reference to time, but principle, his objections, in my opinion, have not been very successful. I do not indeed conceive, that the right hon. gent. has urged the argument in our favour with any other than honourable views; but after all the ingenious language we have heard; after all the illiberal arguments which have been advanced, all the ignorance which has been uttered, all the aspersions which have been thrown out, and all the dangerous principles which have been recommended, and attempted to be maintained, for the purpose of rejecting this question for ever; I say, that although I cannot help lamenting we could not have the benefit of his vote, yet I rejoice that we have the advantage of his discountenancing what, he must feel, reflects as much honour on his principles four years ago, as disgrace now. His vote undoubtedly would have been of advantage to the country; but his speech is of much more advantage. It is not merely the vote of the right hon. gent. that would be important, but it is of consequence, that in England, Ireland, and every part of the British empire, it should be known, that the opinion of men in power, or likely to be in power, or whose authority or interest is looked up to with confidence, is favourable to the cause to which the vote of the right hon. gent. is adverse. I wish we could have had his vote, but I thank him for his argument; and this brings me to another part of his conduct. The right hon. gent. says, that he finds not only now, but that three or four years past, the public opinion was contrary to mine. If he had brought forward this question when he was out of office, he might have stated some grounds which would have made it less dangerous to be encouraged than at the present moment. If he had stated that fact, and the public had seen that most of the considerable men in parliament were of one opinion, though his opinion would have done much, yet the argument would have done more, and the public opinion would not, perhaps, have taken the turn he tells us it has: whether it has taken that turn, or not, I doubt; I own I see no symptom of it. There are unquestionably very respectable bodies of men, some of whom have given their opinion contrary to the opinion I profess: but that there is a generally prevailing opinion adverse to mine, I cannot suspect; I cannot think, that, among rational men, the advantages which present themselves on the one hand, and the dangers which menace on the other, can be overlooked. The claims of the catholics are not only consistent with the principles of the constitution, but consonant to its vital spirit, and I hope and trust the public opinion will ultimately be led by reason to that point, to which, if it is not led, I am sorry to say, we shall not have the full, and effective force, and physical strength of the united empire. If ever there was a time when it was necessary we should have its entire exertion, it is the present. This is a period when all our energies are called into action.

"Toto certandum est corpore regni."

But who can say the country has the effectual advantage of the corpus regni, while one-fifth of its inhabitants are deprived of those privileges they ought to enjoy, and without which, to them, the country is nothing? But the argument is taken two ways: first, you say you have no fears from the catholics; that if you trusted them they would be loyal; and that, therefore, what danger is to be apprehended from them? I would answer, "give to them, then, what they claim, as the reward of their loyalty." Are we to argue without reference to the general principles of human nature? The proper way to weigh the justice of an argument is by the scale of common sense, and the feelings of mankind upon the subject; but if the argument drawn from the loyalty of the Roman catholics is to be used against them, to their prejudice, I can only say, that it is more disgraceful to the public, than even to the speaker. They say these gentlemen, I mean the Roman catholics, are loyal; I truly believe they are so; nay, I believe that if you refuse their claims, many in their zeal, public spirit, and loyalty, will go far beyond what they can fairly be called upon for; but can I expect as much from the generality of the catholics? Do we not say, that our country being under the freest constitution in the world, the subject enjoys the greatest degree of civil and political liberty, terms which imply no difference, except that the word civil is derived from the Latin, and the word political from the Greek. Do we not enjoy the most important privileges of any nation in Europe? We boast that we shall be able to make exertions against the enemy, that the subjects of arbitrary governments cannot be expected to make. Why is this? It is because we are fighting for laws that are our laws, for a constitution that is our constitution, for those liberties and sacred immunities which no other country under heaven possesses the advantages of fighting for. If, sir, such are the grounds on which, under God, we trust so much to for our success, do they not apply with equal force to another country, or rather another part of our own country? And do you not suppose, that those who fight for greater privileges, will exert themselves more than those men who are deprived of the civil and political advantages enjoyed by their fellow-citizens? If the same exertions cannot be expected by those who are deprived of the privileges to which they are entitled, what do we gain by the disabilities we impose on them? You put the country in the situation in which you are compelled, of necessity, to confess, you have no other expectation than that of comparative exertion. I ask you, whether that is not the true state of the case with regard to the Roman catholics of Ireland? I will not urge further than I did, when I opened this subject, the argument, that the privileges bestowed upon the higher orders of people are, in point of fact, enjoyed by the lower. No answer has been given to the argument, and therefore I must take it as a principle admitted. No one has attempted to contradict the opinion that the lower orders are influenced by the advantages and the privileges bestowed on their superiors. Those who recollect the debates two years ago, may furnish their minds with as strong an illustration on this subject as any argument can possibly produce. It was two years since an hon. member, then secretary at war, brought in a bill for raising an army en masse. After having explained the details of the bill, as it applied to Great Britain, he did conclude with a short sentence, which every body well understood, and with regard to which no one thought any comment was necessary. The sentence was to the effect, that it was not thought expedient to apply the bill to Ireland. It would certainly have been indiscretion, in the true sense of the word, either to have applied it to Ireland, or to have commented on the reason for not applying it. Why? Because it was well known that the mass of the people of Ireland were not like the mass of the people of England; because they consisted of two divided parties, in the lower of which you could not have the same confidence as in the higher; and therefore it was that in England the levy en masse, which constituted the best security of the country, was in Ireland looked to as its greatest source of danger. I will refer gentlemen to the bill for promoting our military force and national defence. I remember, in the course of one day's discussion, relative to the force in Ireland at the time of the debate, compared with the period of the treaty of Amiens, that a statement was made of so much cavalry, so much infantry, so much artillery, and so many fencibles. It was then admitted on both sides, that with regard to such and such regiments, there was a circumstance that made them more particularly useful to the country; that circumstance was, that there were no Irish among them. It was stated and admitted, that for the reason I have mentioned, there were two or three regiments as available as four or five. Apply this to England, or to any other country that is well governed, would any body say that our military force was strong, because it consisted of foreigners, or that it was weak, because it was composed of Englishmen? Would you not argue, that so much the more would be expected from men, who were fighting for their own country, their homes, their fortunes, and all that was dear to them? Why is the argument different with respect to Ireland? Why do you wish to have the regiments in Ireland with as few Irish as possible? The argument is this, and you may reduce it to a syllogism, of which the major is, every man is most to be depended upon in proportion to his interest in the constitution. The minor is, Englishmen are most interested in their constitution; ergo, the conclusion is, Englishmen are most to be depended upon. Apply this, on the other hand, to Ireland, and, altering the terms of the syllogism, the conclusion will be the reverse; the minor will be, that the Irish catholics are the least interested in the constitution, and therefore they are the least to be relied on to defend it. It is on this principle you would have your regiments in England composed of Englishmen, and in Ireland not composed of Irishmen. Who are so little interested in Ireland as the Irish Roman catholics? None. Yet such is the state of that country, in which you say nothing is to be obtained by gaining over the hearts and energies of three-fourths of the population. It is said, are not those noblemen and gentlemen, who compose the higher class of the people of Ireland, loyal? If they are, why would you give them any thing to make them more so? I would give them the same interest in the constitution of the country which others have, and then I may reasonably expect similar exertions from them. We say it is little for them to gain, and much for us to give. They say it is much for them to gain, and little for us to give. What is it we give? All we give away is political power! To whom do we give that power? To the catholics. Who are the catholics? Our fellow subjects. —I come now to the objection as to the particular form. It is objected to giving hopes to the catholics, because it is said, how can I desire the house to go into a committee, if I do not know that the committee will support me in all the points in favour of the catholics? Has not this objection been answered, even by what has been said on less important points? Supposing two distinct questions, standing on different grounds; surely no one will say, that we ought not to go into a committee to see whether we cannot give either, because we cannot give both. There are two very different points in this question. Gentlemen speak as if they thought none but members of the church of England were capable of sitting in parliament. But do not dissenters sit in this house? However, in point of doctrine, the church of England differs from the catholics, yet it does not differ more than from the dissenters. With regard to the maintenance and establishment of the church of England, there cannot be more difference between the catholics, than there is between the dissenters and the churchmen. We have forty-five members in this house, who are of a professed establishment different from our own, and they are not members of the most tolerant sect. It is true, that from the bias of their education, from their intellectual attainments, from the improvement of their minds, and from their enlightened understanding, they are above narrow religious prejudices; yet from the profession of their faith, they are not more liberal or tolerant than the Roman catholics. The Roman catholics are charged with saying, there is no salvation for heretics, and the Scots kirk says, it is blasphemy to assert that any can be saved who are not of their faith. Out of these forty-five members, not more than three or four could be persuaded to decide with us in favour of the repeal of the test act. It is said, how can we employ persons in office who are not of the established religion. In Ireland they are acceptable, because there is no test act. If it is said that we want to put the catholics in a better situation than the dissenters, let it be recollected that we are talking of Ireland. But is it supposed that the test act is the means of assuring that every man shall be a member of the church of England? Do we not know, that in the reign of queen Anne, bills of occasional conformity were passed; and that in the reign of George I. many of the dissenters only took the sacrament to shew their disposition in favour of the established church, however they might not agree as to parts of the liturgy? Will any body say that taking the sacrament proves a man to be a supporter of the church of England? May not a dissenter take the sacrament, and yet consider the liturgy of the church of England as the most consummate bigotry? This leads me to another part of subject, which was stated by a right hon. and learned gent. (Sir W. Scott), who, I flatter myself, I may call my friend. The principle flower of his eloquence consisted in the repetition of the word "must." He seemed to think, that the fundamental laws of the church of England "must" be repealed by granting the prayer of the catholics. The exclusion of the catholics from seats in parliament, and the existence of the test acts, are the props, according to the right hon. and learned gent., which support the church of England. What, then, was the state of the church of England in the reigns of Elizabeth, of James the first, and Charles the first? Were these princes not the heads of the church as effectually as his present majesty; nay, would it not be deemed the grossest abomination to doubt, even, that Charles the first fell a martyr to the church of England? Yet, throughout the reigns of these princes, Roman catholics sat in parliament, and the test act had no existence. Granting the thirty-nine articles of the church of England to be not repugnant to the free principles of the constitution as established in the reign of king William; yet the homilies which follow are by many stated to be an absolute condemnation of the very thing which took place at the time of the revolution. Nay, did not Sacheverel openly attack, and upon the authority of these homilies, stigmatise that great proceeding as impious, and utterly destructive of the church of England?—Now, with regard to those learned places which form a repository for the essential doctrines of religion, I mean the universities, in one of which (the university of Oxford) I had the honour to receive part of my early education, if I was to produce the decree of that university of 1688, against limited government, describing it as one of those things which lead to atheism, what would be said of it? Some of the best of men have come from that university. None more so than the right hon. and learned gent.; but I do beg, to use a plain homely phrase, that they will not throw stones whose windows are made of glass. I do not advise the high church party to look so narrowly into the history of the catholics, and into all the violence of their decrees, in order to disqualify them from being amalgamated and reconciled to the constitution of this country. It has been said by an hon. and learned gent., that the Roman catholics wish to overturn the established religion of the country. To this I answer, that there are good subjects of all sects and persuasions, in all countries, who dissenting from the established religion, yet pay obedience to the opinion of the majority. I am surprised it should have been said by an hon. and learned gent., (the attorney general) that if he was a catholic in a country where the protestant church was established, and he had the power, he would exercise it to weaken the established religious government. I have too good an opinion to think so of him. If every man was to conceive himself at liberty, because he differed from the established religion of a country, to attempt to overturn it, the general tendency of such a principle would be to destroy all peace in the world. I do not believe any good catholic would so act; I am sure no good subject, who loves his country, ought so to act. The question is this. Here are persons who apply to you, not for exclusive privileges, but simply to be placed on a footing with all the other of his majesty's subjects. It is a claim of justice. If you refuse it, the burthen of proof lies on you, to shew the inconvenience or danger of granting their claim. Nothing of the sort has been proved; you have argued it only by referring to old times, differing from the present. The question comes to this, whether, in the state in which we are, it can be the conduct of a wise and prudent government to separate from itself so large a proportion of the population of the country as the people of Ireland? No statesman, no man who can judge of the affairs of the world, will think so. I should hope that those who wish well to the country, will support my motion. If it should however unfortunately fail, we shall all have done our duty in arguing the question, with a view to induce those to adopt our opinion, who are at present under a fatal delusion with regard to this momentous subject. I should notice one thing; it is, that you have raised this question, and not the petition. The petition has nothing of the seeds of turbulence in it. You will, I trust, draw the hopes of Ireland to this country, make the people of Ireland look to us as their best reliance, and prevent their recurring to any criminal measures.—I should now sit down, but for the observation of an hon. baronet (sir W. Dolben). He says, why should you give all this to the catholics of Ireland, and not grant the same to the catholics of England? In the first place, the catholics of England have not petitioned. I have no doubt as to the propriety of putting the catholics of England on the same footing. I have no doubt they would finally obtain the same privileges. Those who know the catholics of England, who know the character of the lower ranks of the people, are sensible how little danger would result from the catholic peers sitting in the house of lords, or catholic members in the house of commons. Every man must perceive that it would be beneficial to the country, particularly at a time when every man is called upon to shew his zeal in the service, and in the general cause of the empire. I have only to add, in answer to an hon. gent. opposite, that I was in Ireland a great while ago; but it did not appear to me that the condition of the country was calculated to reconcile gentlemen who visited it, to its general laws. The gentlemen of Ireland ought to be listened to with very considerable attention. From what I have seen in the course of this debate, I think I shall find, on the division, that I shall have the honour of dividing with more of the gentlemen of that country, than ever I had on any former occasion. I believe it will be long before the speeches we have heard from them will be forgotten. The question is important in the highest degree. The only way of putting an end to the hopes of the people of Ireland will be by creating despair, and if ever I hear that they are deprived of those hopes they ought to entertain, I shall despair of those blessings, of that mutual good-will and reciprocal sympathy, without which England can never rely on the effectual and sincere co-operation and assistance of Ireland against the common enemy.

The house then divided, when there appeared

For Mr. Fox's motion	124
Against it	336
Majority against the motion	212

Adjourned at five o'clock on Wednesday morning.

Since our Report of the Speeches of Lord Redesdale *and the Earl of* Suffolk *in the House of Lords, on the* 10*th and* 13*th of May, upon Lord Grenville's Motion for a Committee on the* Roman Catholic Petition *(see pp.* 711 *and* 742*) was put to press, we have been favoured with the following correct Copies of their Lordships Speeches.*

Lord *Redesdale* observed that the motion before the house was in point of form, "that the house should resolve itself into a committee to consider ~~of~~ the petition on the table;" and the noble baron who had made the motion had intimated, that in the committee it would be open to any lord to suggest any partial measure: but it was evident that the noble lord himself conceived that nothing short of the entire object of the petition could be suggested; and the petitioners had themselves clearly stated that object to be "an equal participation, upon equal terms with their fellow subjects, of the full benefits of the British laws and constitution." Of that constitution the maintenance of the protestant religion, as the established religion of the government, and the exclusion of the Roman catholic religion from the administration of that government, had become fundamental principles, long deemed essential to the preservation of the liberty, both religious and political, of the country: and by those laws, of the benefit of which the petitioners sought an equal participation, the strongest provisions were made for the support of the protestant religion, and the exclusion of the Roman catholic from important political power. When, therefore, the petitioners called upon their lordships to give them an equal participation of the British laws and constitution, they either proposed to the house to be guilty of a gross fallacy, or they called upon their lordships to alter those laws, and to change that constitution; for, consistently with the existing laws and constitution, the equal participation sought by the petition could not be had. The equal participation claimed by the petition was clearly an equal participation in all powers, as well as in all benefits: an equal participation in whatever might form the constitution of the country in church and state. That such was their object was manifest; not only from the language of the petition, but from the state in which the Roman catholic church was zealously maintained in Ireland, importantly different from the condition of the Roman catholic church in England, or in any other country in Europe, where the protestant was the established religion of the country. For when the legislature of Ireland thought fit to reform what it deemed to be corruption and abuse in the christian church; to abolish the usurped authority of the court of Rome, from which it conceived the corruption and abuse had sprung; and to require the clergy of Ireland, claiming the benefits of the ecclesiastical establishment of the country, to yield obedience to the sovereign power of the state, and to abandon the powers assumed contrary to the ancient laws, and paramount that sovereignty; and when, to inforce obedience to its laws, it required all its subjects to withdraw from communion with the see of Rome, as inconsistent with the reformation thus attempted: such of the people of Ireland as thought fit, notwithstanding, to persist in holding communion with that see, also thought fit, not only to refuse obedience to the legislature in a point for which they might allege religious scruples, but likewise to refuse, and those who now profess to hold communion with the see of Rome still refuse, to acknowledge the validity of those laws by which the powers and revenues of the church-establishment were transferred to such of the clergy as submitted to the change, and by which all ecclesiastical jurisdiction was made subject (as by the ancient law it had been subject) to the control and coercion of the sovereign power of the state; denying therefore one essential principle of the constitution, the subjection of the ecclesiastical to the civil power. Accordingly, the Roman catholics of Ireland have ever since maintained, and still maintain, a complete hierarchy, in direct and manifest opposition, not merely to the positive law, but to this essential and fundamental principle of the constitution; representing that hierarchy as the only lawful successors of the ancient clergy of Ireland, assuming all the powers, and claiming all the revenues, of that clergy, treating the clergy of the reformed religion, placed in the various offices of the church by the laws and in conformity to the principles of the constitution, as usurpers; and refusing obedience to all laws framed to curb the encroachments of the papacy on the sovereign power before as well as since the reformation. Denying, therefore, to the legislature of the country all power over the ranks, dignities, and authorities, and even the revenues of the church; and thus denying one of the most important principles of the constitution, as asserted at all times, even in the darkest ages. To yield to the claims of the petitioners, the house must not only submit to abandon this important principle, which their ancestors had at all times zealously maintained, but must also consent to break the solemn compact so recently entered into by the independent legislatures of Great Britain and Ireland; the compact by virtue of which their lordships were enabled, in that house, to consider the petition before them; they must repeal the fifth article of the union of Great Britain and Ireland, by which the protestant churches of England and Ireland were united, and made for ever the established church of England and Ireland; and by which the maintenance and preservation of that church, as the established church of England and Ireland was solemnly stipulated as a fundamental article of the union itself. They must therefore hazard the continuance of that union, by a direct breach of what has been thus solemnly declared a fundamental article of the compact by which it was made. But they must do more. The claim by the petition, and the arguments founded upon it, extended in principle, to the whole empire; and their lordships must also repeal that article of the treaty of union with Scotland by which a similar provision was made for the maintenance and preservation of the presbyterian form of church government in Scotland. Even if the petitioners had not so broadly and openly stated their claims, it must be evident that their pretensions went to this extent: and it would be absurd to suppose that the Roman catholic clergy in Ireland, claiming to be the lawful successors of the ancient clergy, and considering those now in possession as usurpers, would ever be content with less than the possession of the powers and revenues which they thus claimed as their right, and the ejection of those whom they deemed to be usurpers of that right. To suppose otherwise were to suppose that the nature of man is not what the experience of all ages has demonstrated it to be; and it was absurd to suppose that whilst the powers and revenues of the church were claimed by the Roman catholic clergy, those powers and revenues were not objects of their desires; and that whilst those desires were nourished by hope, and the gratification of those desires was denied, they would never be content themselves, or ever cease to excite discontent in the minds of the laity. It was absurd, therefore, to suppose that Ireland could be at rest until the Roman catholic clergy had attained those objects of their desires, unless all hopes of attaining those objects were utterly extinguished, and the desire to attain had fallen with the hope by which it had been nourished. It was true that the Roman catholic clergy of Ireland could scarcely hope fully to attain those objects, or, having done so, permanently to retain their acquisition, whilst Ireland remained united to Great Britain. Separation from Great Britain must therefore be in their view, at least as a probable event, so long as they should flatter themselves with the hope of accomplishing their wishes. If the Roman catholic religion had remained the established religion of Ireland; or if it could be now made the established religion of Ireland, consistently with a just observance of the solemn pledge given by the compact of union; or consistently with an observance of the faith so frequently, at various times, and in various ways, pledged to the protestants of Ireland; or consistently with the principles on which the British constitution as it now stands, connected with the title of the family on the throne, can alone be supported; perhaps (though this may well be doubted) Ireland as a Roman catholic country might remain united with Great Britain. But it is too late to consider what might have been done under such circumstances; it is too late to conjecture whether Ireland, as a country wholly Roman catholic, could probably remain united with the protestant government of Great Britain. By solemn stipulation, which their lordships could not be persuaded to violate, the protestant must ever be the established religion of Ireland, whilst Ireland should remain a part of the united empire: and the Roman catholic could by law become the established religion, only by the most daring breach of faith, and by a shameful abandonment of the principles on which the British constitution stands. The Roman catholic can therefore never be made the established religion of Ireland by a law of the united empire, sanctioned by a prince of the family now on the throne. It can therefore only become the established religion of Ireland by a separation of Ireland from Great Britain, and the extirpation or expulsion of the protestants of Ireland. Considering, therefore, the claims of the petitioners as utterly inconsistent with the established laws and constitution of the empire; as requiring a complete change, or rather subversion of that constitution in a fundamental part; convinced that between the two religions there could not, in the nature of things, exist equality; that one must have ascendency; and that the ascendency of the Roman catholic (an intolerant religion) must finally produce the destruction or expulsion of the protestants, and the separation of Ireland from Great Britain, unless that dreadful conclusion should be prevented by the strength of the protestants of Ireland, and the superior force of Great Britain, in the issue of a bloody and horrible civil war; he must deprecate the yielding any degree of attention to the proposition made to the house.—The arguments in favour of that proposition attempted to be drawn from the establishment of the presbyterian religion in Scotland, by the stipulation for that purpose in the treaty of union with that country, and the comparison attempted to be made between the situation in England of the presbyterians of Scotland, and the situation in the united empire, and in Ireland particularly, of the Roman catholics of Ireland, if the objects of the petition were obtained, appeared to him utterly unfounded. The presbyterian church of Scotland was the established church of the country; it possessed all it could possess in Scotland; it had nothing to claim there; in England it had nothing to hope. By the treaty of union between England and Scotland, its possessing an establishment was solemnly stipulated for, and secured. It had nothing to fear but from a breach of that stipulation; and its best security for a performance of that stipulation was its forbearance to interfere with the establishment in England. It therefore remained in quiet obedience to the laws of the united kingdom, and in perfect harmony with the episcopal church established in England, with which it had no ground of contest, and which a regard for its own preservation taught it rather to protect and defend.—It was true, that in the heat of argument, during the agitation of the union with Scotland, apprehensions were suggested of danger to the episcopal church of England by the introduction of members of the presbyterian church of Scotland into the British parliament: and it was true that those apprehensions had proved ill-founded. They were ill-founded, because it must be manifestly the interest of the presbyterian church of Scotland to attempt nothing which could endanger the stipulation in favour of that church, which must depend, whilst the members of the episcopal church remain the majority, on the good faith to be observed by the members of both churches in maintaining the articles in favour of each. But the terms of the treaty of union itself had provided amply against the danger thus suggested: for it must be recollected that for all offices in England, and consequently for all the most important offices of the state, the Scotch must qualify themselves according to the law of England, and must therefore conform to the church established there, to obtain any considerable influence in the executive government of the country; and the extent and power of Scotland, and the number of its inhabitants, considered as a part of the whole empire, bore no comparison with the extent, the power, or the population of England, or with the extent, power, or population of Ireland, of which the influence must be strongly felt by the protestant government, if not only the parliament, but all officers of the state (the access to which was refused to the presbyterians of Scotland at the time of the union with that country), should be thrown open to the Roman catholics of all parts of the empire.—That any thing like peace or harmony could subsist in Ireland between the Roman catholics and protestants of that country, if they were placed on an equal footing in political power, whilst the hierarchy of the Roman catholic church there should remain as it stood, must be utterly hopeless. The Roman catholic clergy of Ireland he viewed in a light very distinct from the laity. The latter he considered as individuals, dissenting in religious faith from the established church; and, except as connected with their clergy, merely as individuals so dissenting. But the clergy were a great and compact body, a species of corporation, with all the forms and gradations of a distinct and firm government; connected by no tie with the government of the country, and utterly incapable of being so connected; standing in open defiance of the law; exercising an authority which the law expressly forbade, and representing those whom the law had placed in possession of the powers, the dignities, and the emoluments of the national church, as usurpers of those powers, those dignities, and those emoluments.—Noble lords affected to doubt the fact: he would venture to reassert it, and to appeal to the most reverend prelate on the bench above him (the primate of Ireland) to whom, amongst themselves, and frequently elsewhere, the Roman catholic clergy would give no other appellation than that of Dr. Stewart. They represented themselves as the only lawful successors of the ancient clergy of Ireland, and required their flocks to consider them as the lawful owners of the ecclesiastical revenues; teaching them, even in their catechisms, that by the commandments of their church, which they boldly represent as equal to the commandments of God, the people were bound to pay their tithes to their lawful pastors, which pastors they represented themselves to be. Accordingly, their parochial clergy were formally instituted rectors or vicars of the several parishes, under the authority of their respective diocesans, according to the titles of rector or vicar, as they stood before the reformation. They had preserved the deans and chapters, and the dioceses and the provinces of the several bishops and archbishops, as they existed before that event, with the difference only of some unions since made by the authority of the pope. Every archbishop and bishop, every inferior dignitary, and every parish priest of the established church, met therefore in his place a rival clergyman, ready and anxious to seize his benefice, his powers, his dignities, his revenues, whenever the opportunity should offer. The powers of the Roman catholic clergy over their flocks were fully equal to their pretensions; and they exercised those powers without that control of the law of the land to which they were subject before the reformation. Their authority was enforced by the most dreadful of all means—by the power of excommunication, a power very different from that possessed by the established church. Their sentence of excommunication had all the consequences which made it most dreadful in the darkest ages. The wretched victim against whom it was denounced might starve if not relieved by the charity of protestants. No Roman catholic dared to have any communication with him. A recent instance had been stated to him, on authority which he could not doubt, in which the law of the land, and the character of the established church, had been grossly insulted. Two Roman catholic couples had been married by the protestant clergyman of their parish, after the usual publication of banns, a duty which by law the clergyman was bound to perform. The Roman catholic parish-priest thought fit to denounce these unfortunate people to his bishop, before whose vicar-general they were summoned to appear to answer for their crime. The protestant clergyman, alarmed at this outrage, and consulting the peace of his parish, the danger of the individuals immediately concerned, and perhaps his own personal safety, rather than his duty to the laws of his country, advised the parties to make every submission, and endeavour to prevent any further proceedings. They accordingly waited on the vicar-general, expressed their contrition for their offence, and their readiness to make any submission in their power. The vicar-general was inexorable, and the offenders were excommunicated for the crime imputed to them, of having been married according to the law of the land. The consequence of the sentence was, that all who should have any communication with these unfortunate victims of a power thus assumed in defiance of the law, were liable to the same censure; and the situations in which the men happened to be, making it difficult for their neighbours to avoid all intercourse with them, near two hundred men and women were summoned before the vicar-general, at the distance of twenty miles from their habitations, to answer for this offence. They appeared before him, and by their submission avoided the dreadful sentence of excommunication; but were condemned, as a penance, to a pilgrimage, proceeding from one holy well, or stone, to another, a circuit of thirty miles; and as so great an assemblage of people, passing in a body through the country, and performing ceremonies of devotion at the appointed places of their pilgrimage, must excite attention, they were ordered to declare to all who should meet them, that they were sentenced to this penance for having dared to hold communication with persons excommunicated for having been married by a protestant clergyman. The fear which such proceedings must inspire, and the impossibility of obtaining any redress, however oppressive and tyrannical those proceedings may be, was the true source of the extravagant power which their clergy maintained over the Roman catholics of Ireland; a power much greater than was possessed by the clergy in any state in Europe, where the Roman catholic was the established religion of the country; a power restrained by no law, subject to no control, and utterly inconsistent with the peace, order, and good government of any country: a power which our ancestors, in times of the greatest bigotry, had dared to restrain by various legislative provisions, and history had applauded their spirit and firmness, and the enlightened minds which had directed their measures. But modern liberality (with an inconsistency which has no example, but in the extravagance of modern liberality) has, at the same time, joined in that applause, and yet stigmatised as bigotry every attempt to restrain the monstrous proceedings of the Roman catholic clergy of Ireland—an unauthorised hierarchy, lifting themselves up in defiance of the law, and of all constitutional authority. Before the reformation, whilst the clergy established by law were yet considered by the same law as under the spiritual control of the pope, the oppressions of their ecclesiastical courts were in some degree curbed and restrained by law. But now, when the law has rendered the established clergy independent of the see of Rome, and restored to the crown the sovereign authority over the clergy as well as the laity, the supreme power over all persons and in all causes, ecclesiastical as well as civil, the only remedy which the Roman catholics of Ireland, who have unfortunately submitted themselves to the papal power in derogation of the lawful sovereignty of the crown, can have against oppressions which their Roman catholic ancestors successfully resisted by the law of the land, is an appeal to Rome; and what sort of redress could be obtained by such an appeal, he would leave it to the house to judge. Thus reigning uncontroled, their ecclesiastical courts govern the whole people. They dissolve marriages for causes not allowed by law; precontract, consanguinity, or affinity, in degrees beyond those prescribed by the legislature; and they license marriages within those degrees. The evidence of marriage is wholly in their power; and the legitimacy of children, and the succession to property, is under their control.—This extraordinary situation of the Roman catholic clergy of Ireland, the noble lord observed, has proceeded from the same cause which has produced many other evils in that unfortunate country. At the time of the reformation, and long after, a great part of Ireland was not reduced, and perhaps at this moment a great part of Ireland can scarcely be said to be reduced, to due obedience to law. Until some years after the accession of James I. a very large portion of the country did not in any degree acknowledge the king's authority, and in most parts the submission to law was very imperfect. In the reigns of Henry VIII. and of his son Edward and daughter Elizabeth, when the reformation was established in England, the authority of the legislature extended with effect over a very small district of Ireland; and therefore although the legislature of Ireland passed laws for effecting the reform of the papal corruptions and abuses in Ireland, as had been made in England; and for removing such of the clergy as should refuse to submit to the reform, the laws were very imperfectly obeyed; and the more powerful government finally established by James, though its authority was generally acknowledged, in a greater or less degree, over the whole island, was yet unable, in many parts, effectually to enforce obedience to any law. When the government of Charles I. was disturbed in England and Scotland, his authority in Ireland became so reduced that at length the Roman catholic clergy assumed absolute control over a large portion of the country, quieted the protestant clergy, seized on the ecclesiastical revenues, and established their hierarchy in the full possession of the powers and emoluments of the ancient church. They were reduced to submission by Cromwell, and their new assumption of authority and revenue was in a considerable degree repressed; but the ejected clergy were not restored. That clergy regained its authority, and a considerable portion of revenue, at the restoration of Charles II. but his government never pursued any effectual measures for their support, and they were again ejected by the popish parliament of James II. which repealed the act of settlement, attainted the principal protestant proprietors, and gave to posterity an example of the treatment which the protestants of Ireland may expect from catholic ascendancy. Until, therefore, the victories of king William had decided the fate of Ireland by completing the revolution, and fully establishing the protestant religion, the protestant clergy had held only a divided and disturbed possession, openly insulted and violated by the Roman catholic clergy.—These circumstances had produced the marked difference between the Roman catholics of England and those of Ireland. Having occasionally resided in a part of England where there happened to be a larger proportion of Roman catholic inhabitants than in most parts of the country, and having now resided for some time in Ireland, the difference forcibly struck his mind. In the parts of England to which he alluded, if a Roman catholic farmer or labourer was to be distinguished by his general conduct and character from protestants of the same rank in life, it was because he was more temperate, more orderly, more generally submissive to the law. He would leave it to such noble lords as had had the opportunity of knowing the fact to say, whether the case in Ireland was not directly the reverse. What could be the cause of this difference? He would give the answer of an intelligent English catholic.—The Roman catholic clergy in England studiously endeavour to make the people under their care temperate, orderly, and submissive to law; well knowing that in England they could hope for indulgence from good conduct alone. But in Ireland the Roman catholic clergy unfortunately conceived that their power, their emoluments, and still more the final accomplishment of their hopes, depended on their keeping alive a spirit of disobedience to law. Instead of restraining, therefore, they indulge the passions of their people: they neglect morals, and make religion principally depend on mere observances. He was so strongly impressed with the truth of these observations, that he was convinced that as long as the Roman catholic hierarchy should remain as it then stood, it was in vain to look for peace and tranquillity in Ireland: that the abolition of that hierarchy was essential to the interests of the country, essential to the true interests of the Roman catholics of Ireland; and he had reason to think that some of the better informed amongst the Roman catholic laity, and especially in some parts of the country, were nearly of the same opinion. He did not conceive that the existence of such a hierarchy could be deemed essential to the profession of the Roman catholic religion: it did not exist in England; it did not exist in any other part of Europe; where the protestant was the established religion of the country; yet the Roman catholics of England, and of the other countries to which he had alluded, were equally in communion with the church of Rome, In Canada, where the Roman catholic religion had been made by stipulation on the surrender of the country, in a considerable degree an established religion, and where the clergy were in the undisturbed possession of the ancient ecclesiastical revenues, the province had remained, for a considerable time, without a Roman catholic bishop; and he had the authority of a very learned and very respectable person, who had resided in the country in a considerable official station, and had had opportunities of information, for saying, that the laity of Canada in general, nay, that many of their most respectable parochial clergy, were by no means desirous of having a bishop resident amongst them, or pleased with the authority which the bishop, whom it was thought fit to give them, assumed, and more especially as that authority was necessary without controul, and almost without check of any kind. They conceived they could have had the full enjoyment of their religion without the interference of such an authority, and with less danger of disagreement with their protestant fellow-subjects. The result, he was authorised to say, justified those who had formed this opinion.—He had reason to think that many of the parish priests in Ireland were disposed to live in harmony with their protestant fellow-subjects, if permitted so to do by those who exercised authority over them; but they were not permitted to indulge their inclination to peace. The late Dr. Hussey, in particular, had, in many instances, by the interposition of his authority, destroyed that harmony which had long subsisted between the Roman catholic parochial clergy, and the protestant clergy and laity of the district over which he assumed episcopal jurisdiction. One instance he could assert on the authority of persons of high consideration in the house. As domestic servants in that part of the country were very generally, if not universally, Roman catholics, even the protestant clergy were compelled to have such servants. In discharging the duty of family prayer, they they had generally thought it right to require the attendance of their Roman catholic servants: but to avoid all ground of offence, a form of prayer had been very generally used for the purpose, which was well known to the Roman catholic clergy, and acknowledged by them to contain nothing to which they could object. The parochial clergy and Roman catholic servants had therefore chearfully submitted to a practice, praiseworthy in itself, and which the character of the protestant clergy seemed to compel them to adopt. Dr. Hussey forbade attendance at this family duty, and persisted, in spite of the remonstrances of many of his parish priests, of the entreaties of the protestant clergy, and of the earnest solicitations of the servants on their parts. His objection was not to the prayer, but to any prayer used by an heretic. With such a temper among the superior Roman catholic clergy, was it possible that there should be harmony between the Roman catholics and protestants of Ireland? And yet the person who thus set a whole country in a flame by forbidding servants to hear a prayer, to the contents of which he could not object, read by their master, is said to have been deeply engaged in forming the extraordinary treaty which the court of Rome, in its state of degradation and subjection, has been compelled to conclude with the French government, to preserve a remnant of papal power in France, in abject subserviency to that government.—The Roman catholic laity he considered in a very different light from their clergy; and different parts of that laity he considered as standing in very different points of view, materially affecting the question before the house. The laity of the higher ranks in life were of two descriptions. Men of ancient estates, and of acknowledged condition and consequence in the country; and men of recently acquired property, generally inferior in education and manners, as well as in birth, to the former. The first generally felt themselves deeply interested in the permanent peace of the country, and their conduct was generally influenced by a just consideration of their situation. Amongst these, the most distinguished, perhaps, was one whose name was suscribed to the petition on the table (the earl of Fingal), a nobleman of ancient family, of approved loyalty, and of great moderation when left to the operations of his own mind. But of the men of newly acquired property, not a few had unfortunately adopted very different sentiments from those of that nobleman. They had imagined (as men of newly acquired property were too apt to imagine) that their rank and consequence in the country were not equal to their pretensions; and they were therefore discontented. Unfortunately, too, men of this description had of late gained the lead amongst the Irish Roman catholics, and the influence of the men of ancient rank and ancient possessions had been nearly destroyed. They were put forward to the public view when it answered a purpose to do so; but they had little direction or control of the measures which they were called upon to countenance and support. Many of those who had thus superseded the influence of the ancient nobility and gentry of the country, were supposed to have imbibed principles not very friendly to any church government; but they might still wish to use the power which their clergy assumed for the purposes which they had in view. The laity of the inferior orders were much more numerous than those of the two former descriptions, in proportion to the general Roman catholic population. They had nothing to gain in the avowed objects of the petition. They suffered nothing, individually, from the restrictions of which the others complained; and they were therefore wholly indifferent (when left to the influence of their own feelings and judgment) to the removal or continuance of those restrictions, and their indifference was so well known, that it was absurd to talk of the removal of those restrictions, as tending, in any degree, to conciliate them. They were taught to be discontented on other grounds; and so far were they from being anxious to restore to the Roman catholic hierarchy the revenues of the church, that the abolition of tithes was a principal object of their wishes. This was so strongly felt by the Roman catholic clergy, that any proposition for a commutation of tithes (in which, as the law stands, they have apparently no interest) has constantly been treated by them with the strongest terms of reprobation; evincing by their eagerness to condemn any such measure, that they still consider the tithes as their property, and any proposal for a commutation as affecting their rights. The forfeited estates, including the property of all the English settlers in the remotest times, including the property of many Roman catholics, were made a great source of discontent with those of the lower orders, who were, or imagined themselves to be, of the ancient septs or tribes, and considered themselves as labouring for others in those fields which had belonged to their ancestors, and to which they conceived they had still an hereditary, indefeasible right. This source of discontent, injurious even to many Roman catholic families of English blood, was industriously kept alive in the memories of the lower orders of Irish descent, and constantly urged by their priests, of whom the greater part were of ancient Irish families or names; and the claim to the forfeited lands was artfully placed by the side of the claim to the ecclesiastical revenues; both represented as in the hands of foreign invaders, usurpers of the ancient rights of the Roman catholic clergy and laity. This ground of discontent would long ago have been forgotten, and lost in the minds of the lower orders, if it had not been industriously kept alive by the arts and interests of the clergy.—If the formidable hierarchy thus established in Ireland could be abolished, if all hopes of possessing the revenues, the rank, and the powers of the established church, could be extinguished in the minds of the Roman catholic priests, perhaps concessions might be made to the Roman catholic laity with some degree of safety, at least comparatively with safety. But whilst that hierarchy remained, nothing could be safely yielded. It might be said, that this was an argument for going into the committee, where measures might be suggested to effect this purpose, if it ought to be effected. But the change must be effected, not by any legislative provision, but by the Roman catholics themselves: they must place themselves in a situation which may render concessions safe. It must be their own act. Whatever may be the religious establishment of a country, the political power of that country must be in union with that establishment, or it cannot be long preserved: and those who are adverse to the establishment, cannot, consistently with its security, be admitted to full participation of political power with those who are friendly to it. They have, therefore, no right to complain that they are not admitted to full participation of such political power. In this country, where the establishment of the protestant religion, and the preservation of it by the protestant succession to the crown, are become essential and fundamental articles of the constitution; where both are also essential and fundamental articles of the treaties of union between the three countries now forming one empire; those who are adverse to both have no more right to complain of exclusion from political power, than those who are attached, if any such now remain, to the exiled family, maintaining the hereditary indefeasible right to the throne, and therefore refusing allegiance to the reigning family, and giving their allegiance to another. The ground on which persons without property are excluded from an equal share of political power with persons of property, (an exclusion which the experience of all countries, in all ages, has found to be necessary for the preservation of any government) applies directly to the subject. As persons without property must ever be the greater number in any state, if they had an equal share of political power with persons of property, it would be to expect from them a forbearance which the nature of man forbids us to expect, if it were hoped that, having the physical power in their hands by their numbers, and an equality of political power, and having therefore superior power as a body, they would not endeavour to possess the property in the hands of those who in every other respect must, as a body, be their inferiors. So if equal political power were conceded to the Roman catholics of Ireland, it would be to expect from them a forbearance, utterly inconsistent with the nature of man, to suppose that they would quietly suffer the church establishment to remain exclusively with others. Upon this principle the preservation of the protestant religion, by the exclusion from political power of those who were hostile to it, had been long deemed essential to the preservation of our constitution both in church and state; and those who effected the revolution in 1688, and who preserved the liberties then asserted by fixing the succession to the crown exclusively in protestants, had acted on this principle. They had excluded from the throne, not only James the Second, and his descendants, but also all the princes of the royal family to whom the right to the succession would otherwise have belonged in preference to the House of Hanover; imputing to them no objection, as the ground of their exclusion, but that they were Roman catholics. Our ancestors then conceived that difference in religious opinion was a just ground of exclusion from political power; and they judged, from recent experience, that the liberties of the country, civil as well as religious, could not effectually be preserved without such exclusion.—And here he could not but recur to a marked difference between the Roman catholics of England and the Roman catholics of Ireland, as it materially affected the security of the protestant succession to the crown. The Roman catholics of England swore to the maintenance of that succession. The Roman catholics of Ireland had refused to give the same test of their allegiance, and now desired to be relieved from any test. The oath taken by the English Roman catholics to the protestant succession differing, most importantly in this point, from the oath taken in Ireland, and from the oath first taken by the English Roman catholics, had been the subject of much discussion in 1790 and 1791; and it had fallen to him to bear no small part in that discussion. The Roman catholics of Ireland, had many years before, proposed to testify their loyalty by an oath of allegiance, and the laity were generally disposed to manifest their allegiance, not merely to the protestant prince on the throne, but to the law of the land, confining the succession to protestants. But their superior clergy prevented their giving this testimony of their submission to the law, exclaiming, "Are we to be called upon to exclude from succession to the crown, a prince to whom it would hereditarily belong, only because he has embraced the Roman catholic religion: only because he has rendered himself more worthy of that succession?" And this exclamation, urged with violence, and supported by prejudices nearly allied to their own, prevailed. — The oath proposed was therefore altered, and the Roman catholics of Ireland swore to maintain the succession in the king and his family. The Roman catholics of England following this example, first took a similar oath; but wishing to obtain further concessions, and conscious of the objections which might be made to this oath, they proposed another, in more extensive terms in many respects, and particularly swearing to maintain the succession as limited by law, to the princess Sophia, and the heirs of her body, being protestants. A declaration, containing the effect of the oath proposed, was signed by almost all the principal English Roman catholics, clergy as well as laity; but the court of Rome objected to it, and the apostolical vicars were ordered, not only to withdraw their countenance, but to pronounce the strongest ecclesiastical censures against it. These censures were accordingly promulged in form; and although conceived in very general terms, as probably it was not thought prudent to use, in England, the very strong language which had been used in Ireland, yet it was manifest that the engagement to maintain the protestant succession formed a principal objection to the oath. For the apostolical vicars proposed to the English catholics, either that the oath before taken by them should not be changed; or that they should substitute, either the oath taken by the Irish catholics, or a new form of oath, framed under the direction of the apostolical vicars, and which they offered to the consideration of their people. On none of these forms the maintenance of the protestant succession formed a part. In all, the obligation of allegiance was to the king and his family. The greater part of the English Roman catholics were, however, steady to their purpose of giving the full test of their submission to the law by which the crown had been placed on the head of the prince on the throne; considering it as folly, or mockery, or something worse, to swear obedience to the prince, and to refuse obedience to the law by which he became prince. At length the apostolical vicars, fearing, as they acknowledged, a schism which might have been fatal to the general interests of the see of Rome in England, submitted to so much of the proposed oath, obtaining a change in other matters; and they have themseves taken that oath which the Irish hierarchy thought it monstrous to propose. Nothing could more strongly mark the different tempers and characters of the English and Irish catholics; a difference, principally springing from the unbounded authority exercised over the latter by that hierarchy to which he principally attributed the distracted state of the country. But this was not important only as it marked the different tempers and characters of the catholics in the two countries; for this extraordinary consequence might follow. If it should ever be the misfortune of the empire that the prince to whom the succession would otherwise belong should exclude himself from a lawful title to that succession by embracing the Roman catholic religion, the protestants of the whole empire, and the Roman catholics of England would be bound by their oaths to oppose his succession, and the Roman catholics of Ireland would be bound by their oaths to maintain it. A dreadful state of things, which we must ardently pray may never happen, but which we should, at the same time anxiously endeavour to prevent.—It must be manifest from this circumstance, if no other appeared of similar tendency, that the Roman catholic hierarchy in Ireland still cherish the hope that by some means the Roman catholic religion may again become the established religion of Ireland; a hope which the English catholics have long abandoned with respect to England, and then first became quiet, orderly, and loyal subjects of the protestant government. To prevent the accomplishment of the hope thus sanguinely entertained in Ireland, the protestant ascendancy must be anxiously preserved. There can be no equality between the two religions; one must have the ascendancy, and there could be no doubt to which, consistently with the law and constitution of the empire, and the peace and happiness of Ireland, the ascendancy in Ireland ought to be given. The far greater proportion of the empire had embraced the protestant persuasion; the government was essentially protestant; the protestant church was tolerant in its principles, bearing with every denomination of christians: the Roman catholic church was intolerant; and the Irish catholic was taught to concede the name of christian to none but those in obedience to the see of Rome. It had been the folly of the time to depress the tolerant, to raise the intolerant religion, and to call the folly toleration. It had been the folly of the time to encourage the hopes of the Roman catholic hierarchy in Ireland, and to give them almost a foretaste of the dignities and revenues which they were anxious to seize, and Ireland had much to attribute to those who had been guilty of this folly. It was absurd to expect that there could be peace in Ireland whilst hope should remain with the Roman catholics of subverting the protestant and establishing the Roman catholic religion; and particularly whilst any hope should remain with the Roman catholic priests of possessing the dignities and revenues of the protestant clergy. The petition, indeed, contained a declaration, "that the petitioners do not seek, or wish, in the remotest degree to injure or encroach upon the rights, privileges, immunities, possessions, or revenues appertaining to the bishops and clergy of the protestant religion as established by law, or the churches committed to their charge, or any of them." Giving credit for sincerity in this declaration to those who have signed the petition, it had been signed by few, even of the laity, and by none of the clergy; and the insertion of this declaration, utterly discordant not only with their pretensions, but with their practice, seemed a more probable cause for the clergy (without exception) declining to sign the petition, than that which had been suggested by a noble lord, which was not founded in truth, but if true, ought of itself to raise no small alarm, as marking the strong distinction which the Roman catholic clergy of Ireland think fit, on all occasions to draw between the rights of clergymen, though unconnected with their clerical character, and the rights of laymen. The disclaimer on the part of the laity might have credit to a certain extent; but it could not be believed that the Roman catholic clergy neither sought nor wished for the rights, immunities, possessions, or revenues of the established church. To bring them to the state of mind which would lead them to forbear seeking to obtain those rights, immunities, possessions, and revenues, whatever their wishes might be, they must feel that any attempt to obtain such advantages would be utterly vain, and would only bring destruction on those who should engage in it. To produce that feeling in the minds of the Roman catholic clergy, the protestant church must be much more firmly established than it now is in Ireland—it must be put beyond the chance of danger. Unfortunately, little pains had been taken to spread the reformation in that country. In many parts, the Roman catholic priests had retained the possession of the parochial churches as long as the buildings remained in a state to be used as places of worship, and quitted them only when in utter ruin. Many churches have since been demolished in times of disturbance, or had fallen into decay from neglect. Not a few had been destroyed by violence, or had suffered considerably for want of repair, even before the reformation. When churches were in better condition, and the service of the reformed church had been constantly performed, it had been read only in the English tongue, and was therefore unintelligible to the greater part of the inhabitants. In Wales the reformation had been completely established, though the inhabitants were generally ignorant of the English tongue; and this had been often attributed, and perhaps justly, to the obligation on the clergy to read the liturgy in the Welch tongue, and to the dispersion amongst the people, and the inferior clergy, of a Welch translation of the scriptures. But in Ireland, although propositions had been made for adopting the same policy, and individuals had exerted themselves to effect this purpose, a contrary policy had prevailed, and it was generally understood that the superior influence of the Roman catholic clergy, in many parts of Ireland, was considerably promoted by their acquaintance with that language in which alone communication could be had with many of the people. The English language having become more generally diffused, much perhaps might be done by a clergy unacquainted with the Irish language. The state of the church in Ireland was truly deplorable. There were about 2,400 parishes, which had been thrown, by unions (many of them very improper, and some very recently made) into about 1,100 benefices, some of which extended over vast tracts of country. Many of the parishes had no church; and this was the case of a parish in Dublin, said to contain 20,000 inhabitants. Many of the benefices had no glebe, the ancient glebe having been confounded with, and lost in the lands of lay-proprietors, so that it had become impossible to recover it for the use of the incumbent. Many more of the benefices had no glebe house, so that the clergymen had no means of residence within his parish, at least, without building a glebe-house; unfortunately too, benefices in this deplorable state had been deemed the most desirable—a parish without a glebe-house, without a church, and (an almost necessary consequence) without a protestant inhabitant. This called loudly for remedy, and there was ground to hope means might be found by degrees to provide the remedy. But above all, it was necessary to make it safe for a protestant to reside in every part of Ireland. There were many districts in which a protestant, unless a man of fortune, or under peculiar circumstances of protection, could not venture to fix his residence. In consequence, it had been observed, and particularly by a distinguished Roman catholic writer, that in many parts of Ireland a protestant day-labourer was not to be found. There were handicraftsmen in towns, were they might be in some degree protected, and might protect each other; but in many parts of the country not a protestant of the lower order could be found. This principally arose from the influence of the Roman catholic clergy, and the hatred which they excited in the minds of their people against the protestants, as Englishmen and heretics, for both of which description they used, in the Irish language, the same word. In consequence, a strong spirit of persecution prevailed; and, strange as it might seem to many of their lordships, he could venture to aver, that the protestant was in truth the persecuted religion in Ireland. And to such a degree was this intolerance carried, that, except in the north, few domestic servants of the protestant persuasion could be found. Even in protestant families, where there was a desire to have protestant servants, it had been found almost impossible to procure them, or to retain them if procured, unless all or nearly all the servants of the family were protestants. Where the Roman catholic servants had once gained the superiority, or where the upper servants were of that religion, the protestants were soon compelled to quit their service, unless protected by extraordinary exertions of the family, or under some very peculiar circumstances. The poorer protestants had therefore great difficulties in putting out their children. As officially a trustee of several charities in Dublin, as well as from the information of others, he had means of knowing the truth of this assertion; and he could particularly state that the applications for the benefit of charities in Dublin, established for putting poor children apprentices, were astonishingly numerous; and the reason assigned by those who applied was, that they could not get employment for their children as domestic servants, or labourers, and were compelled to bring them up to handicraft trades.—Viewing the state of Ireland as he did, he could not but repeat his conviction, that it was necessary, though the necessity was much to be deplored, to keep with anxious care, the remaining restrictions on the Roman catholics of that country. In his opinion not only the security of the church establishment, but the properties and even the lives of the protestants, and the connexion of Ireland with Great Britain, depended on the preservation of those restrictions, until a great and important change should be made, in the temper and conduct of the Roman catholics, and their priesthood should be put on a very different footing. To conciliation he had ever been, and ever should be, a warm friend, but the terms of conciliation must be very different from those proposed by the petition. He could not be deluded by pretence of conciliation to increase the power and means of offence of that hierarchy which tyrannised over those of their own persuasion, which set all law at defiance, and threatened at every moment the extirpation of the protestants of Ireland. The abolition of that hierarchy was in his opinion the first step to that conciliation which he believed could alone produce peace to Ireland: and the Roman catholic laity, desiring a full participation of the benefits of the British law and constitution, one of which, and not the least important, is freedom from ecclesiastical tyranny, must first throw off the yoke of their own priesthood; which, whilst it exists in all its force, renders the participation which they require dangerous to themselves, and utterly incompatible with the peace of the country, the safety of the protestants, and the connexion of Ireland with Great Britain.

The *Earl of Suffolk* rose and spoke as follows: I rise, my lords, to state the sentiments which occur to me, on the best consideration I have been able to give this important question; and in support of the vote which I this night mean to give. My lords, if I rightly understand the petition on your table, it goes to the claim of measures which become necessary to the relief of a great body of his majesty's catholic subjects in Ireland, from certain restrictions and disabilities under which they still labour on account of their religion. And, my lords, I consider that claim not as of a boon, but as of a right which every British subject in this united kingdom should enjoy as his birthright, who is not dis-entitled thereto by any thing exceptionable in his principles, his character or his loyalty! If I considered it as a boon I should still say to your lordships

—grant it to them—liberally and generously now, rather than at a future period, when the justice of the claim and the policy of acceding to it, will force itself upon your lordships' wisdom; and therefore, let it rather be granted now, and with the appearance of liberal concession, than at another period, when it will have that of being extorted from you. Much, my lords, has been said with respect to the expediency or inexpediency of the time for conceding those claims. In my opinion, my lords, this is the best possible time. We are, this moment, and for some time past, have been menaced on all sides by a vigilant, daring, implacable, and adventurous enemy. His fleets, we know, are this moment at sea, with the design of some desperate and hostile attack against the British dominions—and we know not the moment when, or the place where, he may effect a landing on some of our coasts; or, whether in Ireland or the West-Indies. At such a moment, my lords, four millions of his majesty's catholic subjects are suppliants at your bar, for a full participation in those constitutional rights, in which it is our glory and their anxious desire to participate, and which they will then be thus forcibly attached to defend and join in the common cause for our common safety. Is it, or is it not, then, wise to secure their attachments, to unite their hearts and hands with our own against the common foe, and to maintain inviolable our common country? It has been said, by many noble lords who have spoken on the other side of this question, that enough has been already granted to the catholics, that you cannot grant more with safety to the constitution; and that you ought to make your stand here. I do not agree with those noble lords; for, in my mind, if you do not grant to the full extent, you do nothing, to secure the affections, and the cordial attachment of the catholics. The whole course of your measures toward the catholics, for a series of years, has been only a prelude to their final and complete emancipation. If it is not to be granted now, you disappoint the anxiety and the hopes of the catholic mind. You have taught them to expect it by the whole course of your policy, and by your successive relaxations of the penal code, in their favour. They have looked up with earnest expectation to the event—they have polished their education, they have enlarged their understandings: and if it is now withheld, he knows little of the human mind that cannot anticipate the most deprecable consequences from the refusal.— My lords, I now proceed to answer some arguments which fell from the noble secretary of state in the course of last night's discussion. My noble friend (lord Grenville) who introduced this subject, very properly, in my mind, deprecated every species of warmth and intemperance, on discussing this question, and a speech more moderate, more cool and dispassionate than his own, I never heard within these walls. But the noble secretary of state commenced his speech with a degree of heat and vehemence, which from him I should not have expected, and which was but ill calculated to procure attention, or give weight to his reasoning. But I appeal to the house, if, in the course of his speech, he stated any one argument which the noble baron did not anticipate and refute. A speech so fraught with justice, with truth, with sound argument, as that of the noble baron, must, I think, have carried conviction to the minds of your lordships, and would, I should hope, induce you to accede to his proposition, 'magna est veritas et prevalebit.' The noble secretary of state accused the noble baron with using threats to intimidate this house into compliance with the measure; but the noble baron so immediately contradicted the assertion, as to make it unnecessary for me to say anything on that head.—My lords, the noble secretary has said, that there was no pledge in terms held out to the Roman catholics, at the time of the union, that this measure should pass. My lords, I beg to know, then, when were those terms held out? for certainly there was a strong expectation universally entertained upon the subject, which must have had strong grounds somewhere; and if it was not for the implicit acquiescence of the Irish catholics, upon the ground of such an understanding, you could not have carried the union. And, I ask, if this was not the measure held out to secure the acquiescence of the catholics to that union? What other boon has been granted to the people of Ireland since the union? None! that I know of, but additional taxes, and sending abroad a great part of the army that was for their defence. A noble lord, whom I do not now see in his place, has said the measure could never be granted consistently with the safety of the constitution; and other noble lords thought that some future period would be more applicable. My lords, I think the properest time is now, and that there should be no longer delay, because, if you refuse the measure now, what is to be said of the future strength of your navies and armies—more than a third of which are manned by Irishmen—much the greater part of whom are catholics: upon this ground then, I am extremely sorry to hear such arguments offered by his majesty's minister, or those who support him, and that this measure is never to be granted: and the point on which I felt most sorrow at his declaration, was, where he said he had no confidence in the principles or professions of the Irish catholics; for it must go to depress all ranks and classes of that people in the sister country, by holding them in so much lower estimation than any other class of their fellow subjects, and, than, I am sure, any other member of this house entertains. I would ask the noble lord, when he talked of the security of our glorious constitution, and glorious it certain-is: Was it to protestants we are indebted for that invaluable jewel? I answer, no! for you obtained that constitution, magna charta, and all those inestimable rights that form the chief bulwarks of British liberty—at a time when the catholic religion was the faith of this country. What danger, therefore, can be apprehended from catholics or their religious principles to that constitution which owes its origin to themselves? With respect to what has fallen from the royal duke, I reverence his respect to that religion, and those principles which introduced his illustrious family to the throne of these realms; and under whose auspices this country has continued to enjoy so many signal advantages. But I always conceived that the Roman catholic prince, to whom his family succeeded, was driven from the throne, not for his religion, but his arbitrary principles, and the despotism he attempted to introduce. But, if a Roman catholic king, upon the throne of these realms, with all the power and influence he possessed, was unable to change the religion, or subvert the constitution of this country, and was hurled from the throne for the attempt; how is it possible that, under a protestant prince of the House of Brunswick, and a protestant legislature, such events have the most distant probability of risk, from any indulgence that now remains to be extended to his majesty's catholic subjects in Ireland? My lords, it has been said the Roman catholics of Ireland admit their allegiance to a foreign jurisdiction. I deny the fact; and I appeal to the petition on your table, which disclaims and abjures any such jurisdiction in temporal concerns, in as great an extent as can be required. And what danger can arise to the country, from the circumstance of the catholic bishops being named by the pope, I am at a loss to conceive. It has been said they want to secure and monopolize for themselves all the great offices of power and of the state, and not only command your armies and fleets, but to be lord chancellors, judges, and privy counsellors. Why, my lords, I appeal to the good sense of this house, whether it is probable that a protestant king, at the head of a protestant state, would chuse, as the keeper of his conscience, a Roman catholic chancellor; or that he would exclude protestant judges from the bench, for the sake of preferring Roman catholics? As well might it be said, that he would deprive of their revenues protestant bishops, in order to confer them on those of the catholic religion; and I am confident, that reverend bench opposite me have no such apprehensions, even if this measure were now passed. With respect to commands in the army, supposing, as I do, the catholics, who would be likely to obtain them, are not only men of tried loyalty, but high honour and talents; I see no reason why a catholic general or privy counsellor may not be as competent to render important services to a protestant king, as a protestant general or counsellor to a catholic monarch. My lords, was not the great Sully, first minister of the catholic prince Henry IV. a strict protestant, and was any incompetence or infidelity to his royal master imputed to him on that account? Was not marshal Turenne, one of the bravest and ablest generals ever the catholic government had in its service, a strict protestant? and were his services on that account less brilliant? I might name many other instances equally illustrious, where the liberality of wise governments has risen superior to the low suspicions of bigotry, and scorned to hold that any man's religious opinions should lead him to violate an high, sacred and honourable trust. Are there not in the empire of Germany many independent states, wherein no difference is made with respect to religion in conferring places or employments? nay, are there not many towns and cities, where the catholics and protestants occupy the same churches, to celebrate their public worship, the catholics one-half of the day, the protestants the other? Is it not the case throughout the United States of America, that every man is left to the religion he chuses to profess, and no idea of preference, or incapacity for employments in the state attached to one religion more than another? And with respect to the apprehensions expressed, that if this measure passes, the protestants of Ireland will be ousted from the parliament, and all the seats filled by catholics, I ask, has it not been alleged even by the enemies of this measure, that nineteen-twentieths of the landed property of Ireland is in the hands of protestants, and must always command a proportionate share of electioneering influence? How is this property to get out of their hands? But so long as things remain in this state, I have no apprehension of violation to the constitution of Ireland from the admission of catholics to seats in either house of parliament. There were some allusions made to the causes of the late rebellion in Ireland; and it was attempted to be shewn that it was a catholic rebellion. Now I do fully agree with the noble baron near me, (lord Holland) that religion had nothing to do in the causes of rebellion; that its leaders were many of them protestants, and men of all sects were engaged in it, though the majority were necessarily catholics, as that is the religion of five to one of the whole population of Ireland. It has been objected, that by placing catholics in the offices of sheriffs and under sheriffs, you would give them an inordinate power and influence, which they would use to the subversion of protestant interest. To this opinion I cannot agree. I have been at some pains to obtain information upon the subject, and had some conversation with a respectable gentleman, a Mr. Gregory, who possesses a considerable estate in the catholic county of Galway; and he told me that county was of late very quiet, much much quiet than usual, and the cause to which he attributed this repose was, that many catholic gentlemen had of late been appointed magistrates, and exerted their influence to quiet the county; a proof that catholics are not disposed to use the power placed in their hands to promote insurrection or excite commotion. In a word, my lords, I am convinced the prayer of that petition ought to be complied with. We owe it to the people of Ireland—we owe it to those to whom it was held out as a condition of acquiescence to the union, and to whom, as I said before, no boon has been given since the establishment of that measure, but an increase of taxes. If I were an Irishman, I would say to the legislature of this country,

I am not that abject slave you take me for;
I'm man, obstinate man, and will not be controll'd.

APPENDIX

TO THE

PARLIAMENTARY DEBATES.

VOL. IV.

PARLIAMENTARY PAPERS.

THE ELEVENTH REPORT OF THE COMMISSIONERS OF NAVAL ENQUIRY, APPOINTED BY ACT 43 GEO. III.—ORDERED TO BE PRINTED APRIL, 1805.

ISSUE OF NAVY BILLS FOR THE PURPOSE OF RAISING MONEY.

The Eleventh Report of the Commissioners appointed by an Act of the 43d Year of the Reign of his present Majesty, intituled, "An Act for appointing Commissioners "to inquire and examine into any Irre"gularities, Frauds, or Abuses, which are "or have been practised by Persons em"ployed in the several Naval Depart"ments therein mentioned, and in the "Business of Prize Agency, and to re"port such Observations as shall occur "to them for preventing such Irregula"rities, Frauds, and Abuses, and for the "better conducting and managing the "Business of the said Departments, and "of Prize Agency in future."

HAVING understood that, during the late war, bills to a very considerable amount had been issued by the navy board, for the purpose of raising money; and this transaction appearing to us irregular, we deemed it a fit object for our inquiry. We at the same time made an investigation, in some degree connected with the subject, into a practice which had prevailed with the navy and transport boards, of making the bills issued by them at ninety days date, payable on the 89th day from the date of the bills, although interest for 90 days was allowed to the parties.—In the course of our inquiries on these subjects, we discovered that sums had been advanced by the navy board, by way of imprest, in pursuance of directions from the lords commissioners of the treasury, for the performance of secret naval services.—The present report we shall confine to the consideration of these matters, in the order in which they have been mentioned.

ISSUE OF NAVY BILLS FOR THE PURPOSE OF RAISING MONEY.

Previously to the adoption of this measure, (Appendix, No. 1.) the lords commissioners of the treasury directed the navy board to cause it to be notified to the persons having ninety-day navy bills then due, (App. No. 2.) "and wishing to have a renewal of "the same, instead of receiving the amount "in cash, that they might be accommodated "with new bills bearing the same interest," which accommodation was directed to be continued till further notice; but this mode not fully answering the purpose intended, (App. No. 1.) the expedient of raising money by the issue of navy bills was resorted to.—This transaction appears to have arisen from a conversation between the comptroller of the navy and Mr. George Glenny, a merchant having large concerns with the victualling department, upon the difficulties which were occasionally experienced by delays in the issues of money from the exchequer for the service of the navy. In that conversation Mr. Glenny communicated the manner in which he had procured money on the victualling bills, made out to him in payment under his contracts, through the agency of Messrs. Goldsmids. This produced an interview the next day between the comptroller of the navy, Messrs. Goldsmids, and Mr. Glenny, and the plan of drawing navy bills for the purpose of raising money was thereupon concerted.—The first set of these bills for 100,000l. was drawn on the 23d of Oct. 1800, (App. No. 1.) payable to Mr. Cornwall Smalley; but he disapproving of his name being made use of, these bills were destroyed, and others for the same amount were made out in the name of Mr. George Glenny. (App. No. 3.) It was afterwards thought right to make such bills payable to Messrs. Donaldson and Glenny, the firm of the house to which Mr. Glenny belonged.—The total amount of these bills, issued between the 24th of October, 1800, and the 5th of May, 1802, (App. No. 4.) when the practice of drawing such bills was discontinued, was 4,300,000l., besides ninety days interest, which was added to give them the semblance of regular bills.—There was, however, this essential difference between them; the regular bills stated the particular kind of stores, or services, for which they were given in payment; these bills expressed only, that they were for "sundry naval services." (App. No. 5.)—Not being aware of any power in the navy board to draw bills of this description for the purpose above-mentioned, we sought information from the comptroller of the navy on the subject, (App. No. 1.) but he declined to answer the question put to him, under that clause of the act of parliament by which we are appointed, which provides, that no person shall be obliged to answer any question which may tend to criminate him, or expose him to pains or penalties; referring us for the authority under which he and the navy board had acted, to his majesty's order in council in June, 1796, for regulating the duties of the several members of the navy board, and to the patent by which they are appointed.—From these documents no such authority is derived, nor do we conceive the navy board can, without the express authority of parliament, issue bills to raise money to be applied to the service of the navy, or any other service.—It is not meant by the observations which our duty requires us to make on this transaction, to intimate, that it was undertaken with any indirect view, or to charge any abuse in the execution of the plan, after it was resolved upon; it is the measure itself which we have to notice.—It is proper likewise to state, that these bills were issued under the directions of the lords commissioners of the treasury, signified at the time of each issue by letters from their secretary to the navy board, which were inclosed confidentially to the comptroller, and the produce of the bills was paid to the treasurer of the navy; the letters entered in the Appendix shew how this business was conducted. (App. Nos. 6, 7, and 8.)—We inquired whether the difficulties in obtaining money for the service of the navy, stated to have existed in the years 1800, 1801, and 1802, arose from any unusual deficiencies in the navy estimates for those years; the comptroller could not speak to the estimates, (App. No. 1.) but informed us, that the difficulties which led to the adoption of this plan were owing sometimes to a deficiency of money in the treasury, and sometimes to the naval supplies being exhausted, which he believed to have been the case in Oct. 1800. The paymaster of the navy stated (App. No. 9.) the general occurrence of official difficulties in applications for money, and that such difficulties might have occurred at the period when these bills were issued; although he did not recollect any correspondence of the treasurer of the navy with the treasury or navy board, which led or related to the issue of these bills.—It was certainly proper that the public credit should be supported, but we cannot admit that this measure was indispensably necessary for that purpose; nor can we allow the validity of the reason given for it by the comptroller, (App. No. 1.) namely, that no funds were exclusively set apart for the payment of ninety-day bills, the amount being uncertain; it is in the nature of the thing that an estimate should be uncertain. All the supplies for the navy are annually voted by parliament on estimate, and the amount paid by ninety-day bills, forming no inconsiderable part of the navy expenditure, must of course be included in the general provision for navy services.—We were led by the examination (App. Nos. 1 and 5.) of the comptroller and chief clerk in the office for bills and accounts, to imagine that the advantage which might accrue by the interest on the bills, from the time of their date to the time of their being negotiated, was to be the remuneration to the brokers for their trouble; (App. No. 10.) but by an account afterwards laid before us, we found, that they had made the usual charge of one-eighth per cent. commission, and had given credit to government for the interest on the days elapsed before the bills were negotiated. The amount of Messrs. Goldsmids' commission on the negotiation of these bills was 5,375l. —On examining Messrs. Goldsmids' account, it appeared in the first entry, that they had not given credit to the public for the full amount of the produce of the bills at the time of negotiating them. But this is stated by Messrs. Goldsmids (App. No. 11.) to have arisen from their having advanced the money before the bills were actually negotiated.—This circumstance could not be discovered from any thing on the face of the account. We are of opinion, that all accounts rendered to the public board, should be made out with such particularities as may be necessary to a clear exhibit of each item, which will greatly facilitate the examination of the accounts.

LOSS ARISING FROM THE MODE OF PAYING THE INTEREST ON NAVY AND TRANSPORT BILLS.

By an act of the 34th of his present majesty, cap. 21, it is enacted, that after the 5th day of April, 1794, all navy and victualling bills shall be made payable on a certain day, not later than fifteen months from the date of each bill; and that the interest on such bills as shall carry interest, shall commence from the day on which the said bills shall be registered.—And by a subsequent act of the 37th year of his present majesty, cap. 26, it is directed, that all navy, victualling, and transport bills, shall be payable on a certain day, to be expressed in each bill, which day shall not be later than three calendar months from the day of the date thereof; and that every such bill shall carry an interest after the rate of 3½d. per cent. per diem, to commence from the day of the date of each bill.—Upon the passing of the last act, the commissioners of the victualling transmitted to the navy board an account of victualling bills payable in course, which had been registered in the month of Jan. 1797, noting them to become due in ninety days from the day of the date, which day was not included.—The navy board, on receipt of the account, stated their objections to this method of computation in a letter to the victualling board, (App. No. 12.) in which they observed, that all bills made out under the same act, should be uniform in all their terms; that on all occasions dependent on time, it was customary to include both the first and last day; that this mode of computing interest on the navy bills had prevailed during the late act, was followed in the transport office, and was in conformity with the present act.—The commissioners of the victualling, in reply, (App. No. 13.) forcibly controvert these positions. They state, that it had always been the custom of their office not to include the first and last days in the calculation of interest, until that rule had been departed from in reckoning the interest on the bills issued under the 34th of his present majesty, and which was done at the suggestion of the officers of the navy board; that the rule now again adopted in the victualling office was consistent with that universally observed in respect to bills of exchange; to which, except in the instance of the three days grace usually taken, they understood these bills were, as nearly as possible, to be rendered similar: that they conceived their mode to be conformable to the act of parliament, and that it had not occasioned the slightest remonstrance from any persons receiving or holding their bills. To this letter no answer appears to have been returned.—In pursuing different lines of conduct on the same occasion, both the boards could not be right; and, as the interest of the public was committed in the question, it might have been expected that a reference would have been made to the superior board for a decision, particularly by that board whose conduct, if erroneous, subjected the public to a loss.—It does not, however, appear (App. No. 14.) that this difference produced either reference or inquiry; and the rule adopted by the navy board, of making the ninety-day bills payable on the eighty-ninth day from the date, continued in practice in that and the transport office until the month of Dec. 1801.—On the 12th of that month a minute (App. No. 15.) from the committee of accounts (one of the committees into which the navy board is divided) stating, that doubts had been suggested of the propriety of the mode in which ninety-day bills issued from that office had been made out, was referred to the board at large.—In this minute the committee set forth the propriety of their present mode of proceeding, grounded on the established practice of their office, and the necessity of keeping faith with the merchants, who had been used to this mode of computing the interest on their bills. They also express their doubts whether any saving would accrue to the public from the day's interest in question, on a presumption that the contractors reckon upon it in the terms of their contracts; yet, notwithstanding these reasons offered in favour of the existing practice, the committee refer to the consideration of the board, whether it might be proper at that time "to depart from the ancient usage of the office, and make an alteration in the computation of the time the ninety-day bills are made out to run, in conformity with the victualling office, and the custom of merchants in discounting bills."—In consequence of this minute the navy board, upon the 18th of the same month, came to a resolution, that the navy bills issued in future should not bear interest for the day on which they are dated, agreeably to the practice with regard to exchequer bills, and bills made out at the victualling office, and direct this change to commence on the following day.—Previously to our having any knowledge of the above minute and resolution, we had desired information of the navy board as to the causes of the rejection, and subsequent adoption, of the mode in use at the victualling office, of excluding the day of the date in reckoning the interest on the ninety-day bills. The rejection of that mode is no otherwise accounted for (App. No. 16.) than by observing that they did not see reason, on receiving the letter from the commissioners of the victualling, to change the constant practice of their office since the first establishment of navy interest bills, and which extended to all payments of salary, pensions, full or half-pay, and all other allowances issued from that department. The reasons assigned for the subsequent alteration, are, that an uniformity might pervade the several public boards from which bills of a similar description are issued; and that when the time arrived at the conclusion of the late war, that many contracts were put up, and many more were intended to be so, it was thought a good opportunity for making an alteration in the mode of paying the interest on navy bills, which could not, without imputation of departing from an universally understood custom, be altered whilst the contracts were pending. It is likewise intimated to be immaterial whether the bills were paid one day sooner or later, the sum paid for the interest being the same in one case as the other.—We shall now make some remarks on the above proceedings of the navy board, and afterwards observe on the bills drawn by the commissioners of transports.—Although the navy board might have been uninformed of the general practice of computing the discount on bills of exchange, and the mode of calculating interest on exchequer bills, yet, when the victualling board so strongly pointed out to them that they were in error, and that error injurious to the public, we think they should have instituted an inquiry: had they done so, they must have come to the same conclusion then which they did afterwards and on the same grounds; for the method of computing interest on exchequer bills was the same in 1797 as in 1801, and the practice of the victualling board they were before fully acquainted with, and had rejected.—It is certainly the rule in the paying of wages, salaries, &c. as observed by the navy board, to include both days, but nothing is gained by this to the person receiving such payment, as his time is afterwards reckoned from the day next to that included in the former account, so that in the course of the year he is only paid for three hundred and sixty-five days; but by the navy board's mode of making the ninety days interest payable on the eighty-ninth day, a person might obtain three hundred and sixty-nine days interest in the course of the year; or, by following up that mode, a day's interest might be gained every time individuals changed their security, provided the money was again lent on the day of its being received.—The faith to be preserved with persons whose contracts were pending, is a circumstance much insisted upon in the navy board's letter to us, and in the minute of the committee of accounts. In order to judge what influence that consideration could have had upon the resolution of the board at the time it was carried into execution, we called for an account, shewing what standing contracts had determined between the 1st of October and 19th of December, 1801, (the day on which the alteration took place) and an account of such as were then in force, and continued to be so for twelve months. By the return made to our precept, (App. No. 17.) it must appear how little the consideration of keeping faith with the contractors could have influenced the decision of the navy board, as only two contracts, of small consequence, had terminated within the first-mentioned period; and one hundred and twenty-three contracts were remaining in force a year after the change, beyond which time we thought it useless to carry our inquiries; and the change being ordered to take effect the day after the resolution, operated immediately upon all these contracts, contrary to what was alleged to be the common understanding of the parties.—It further appeared, by the examination of the secretary to the navy board, that although the contractors were not consulted on the alteration, they did not object to or complain of it, confirming in this respect what has been observed in the letter of the victualling board.—The commissioners of transports, (App. No. 18.) in answer to our application to them on the subject, informed us, that they had allowed interest both for the day on which the bills were dated, and that on which they became payable, because the persons to whom payments were made by ninety-day bills were, in strictness, entitled to their money upon the completion of the services performed; but that an interval of several days almost invariably occurred whilst their accounts were under investigation, and the bills preparing; and because, according to their construction of the act of parliament, they conceived it to have been intended that the bills should be so paid.—If the transport board thought themselves justified in their practice by their construction of the act, they should not have departed from it without legal advice, or proper authority. If a compensation, in proportion to the delay, was looked for by the contractors, one day's interest was not sufficient. It would seem that this board followed the course taken by the navy board, and altered their practice when they found that the navy board had resolved upon a change. — We rather think the contractors did not look for any anticipation of payment, as a compensation for the loss of time whilst their accounts were passing, some delay in which must necessarily occur, and that it had not then, nor has since had, any weight with them in regulating the prices at which they made their tenders to government.—The following is the amount of ninety-day bills, issued between the 26th of Dec. 1790, and the 19th of Dec. 1801, at an interest of three-pence halfpenny per cent. per day, allowed both for the day of the date and the day of the payment of the bills:

Issued by the navy board (App. Nos. 19 & 20)	£19,747,835	11	11
Transport board - -	6,305,976	11	7
	£26,058,812	3	6
Loss of one day's interest on the above sum - -	£3,799	10	3

Although the loss of between 7 and 800l. per annum adds little to the amount of the national expenditure, yet it is because the necessary expenditure is so great, that all possible care should be taken to avoid any improper increase of it, such as we think this to have been. To the public, one day's interest on ninety, operating on so many millions, was a consideration; to each individual it was not.—We think it right to observe, whenever a difference of opinion may arise between the naval boards on the construction of an act of parliament, or any other general regulation, that such difference of opinion should be laid before the lords commissioners of the admiralty, for their decision thereon, as the pursuing of different lines of conduct must tend to produce dissatisfaction, and will in general be found to be injurious to the public interest.

MONEY IMPRESTED BY THE NAVY BOARD, FOR SECRET NAVAL SERVICES.

On examining the book containing the registry of bills issued by the navy board, we discovered that considerable sums had been advanced, by way of imprest, during the late war, for the performance of secret naval services.—The imprest against one of these parties, amounting to 100,000l. having been taken off, and the account closed in the books of the navy office in a manner which appeared to us irregular, we inquired into the circumstances of the transaction. — From the examination of the comptroller of the navy, (App. No. 1.) we learned that this sum had been advanced by the navy board, in consequence of directions given by the lords commissioners of the treasury to the comptroller, which were marked "most secret;" that 5,000l. had been repaid into the hands of the treasurer of the navy, and that the remaining imprest of 95,000l. had been cleared, or taken off, by the direction of the lords commissioners of the treasury, signified by their secretary's letter to the navy board, (App. No. 21.) dated the 1st of May, 1804. —By his Majesty's order in council for regulating the navy office, dated the 8th of June, 1796, the comptroller of the navy is authorized to execute such secret naval services as may be directed by the first lord of the admiralty for the time being; and, after the services are performed, the comptroller is required to communicate his orders, and his proceedings thereon, to the navy board for their concurrence. In case a majority should disapprove of any part of his conduct, they are to submit the whole, with the reasons for such disapprobation, to the first lord of the admiralty, whose decision thereon is to be considered as final.—Upon this order in council, instructions were drawn up by the lords commissioners of the admiralty for the conduct of the navy board, and they were directed to conform thereto by their lordships' order of the 17th of Aug. 1796, in which there is an omission that we think it right to notice.—It is not stated in that order, under whose directions or authority the comptroller is to perform the secret services therein-mentioned; the order runs thus: “ All contracts are to be made by the board at large, those for secret services only excepted, which are to be entrusted to the comptroller, who is hereby authorized to execute such duty.” Whereas in the order in council, after stating that contracts of every kind are to be made by the board at large, those for secret services excepted, which are to be entrusted to the comptroller, it is expressed, “ That the secret services above-mentioned should be performed under the authority of the first lord of the admiralty for the time being.” This omission should be rectified, as we are of opinion, it is of considerable importance that the several subordinate boards should have precise information not only of the extent of the authority vested in them, but of the authority under which they are to act. —The navy board, by their patent of appointment, are required to follow such orders and instructions as they may from time to time receive from the lord high admiral, or the commissioners for executing the office of lord high admiral for the time being; and it does not appear that they are authorised to follow directions which may be given to them by any other department of government. It is, however, stated by the comptroller and the secretary, (App. Nos. 1 and 14) that the board have been in the constant practice of receiving and following directions from the lords commissioners of his Majesty's treasury, in certain cases, which they have enumerated. It also appears, by the account entered in the Appendix, No. 4. that 16,000l. have been advanced by the navy board to Messrs. Hammersley and company for the performance of a secret naval service, which was directed by one of his Majesty's principal secretaries of state. If it be judged expedient that the navy board should follow the directions of any other department of government than that under which they are placed exclusively by their patent, we think they should be furnished with specific authority to that effect; and that they should in no case depart from their instructions without the sanction of the lords commissioners of the admiralty.—It is stated by the comptroller, that the services for which the sum in question of 100,000l. was advanced, were not performed under his orders, but under the directions of the lords commissioners of the treasury, by whose authority the imprest was cleared, without any account of the expenditure of the money being rendered to the navy board.—It is most probable that a communication of the circumstances of this transaction was made to the first lord of the admiralty at the time of advancing the first part of this money; it does not however appear, from his lordship's examination, that he directed the measure; (App. No. 22.) and the first lord of the admiralty, at the time the last advance was made, and when the imprest was taken off, (App. No. 23.) was altogether uninformed of the transaction.—Notwithstanding the time which has elapsed since the advance of the money, and the injunctions of the order in council, we find that the comptroller has not communicated to the navy board his proceedings in this business, or even made them acquainted with the nature of the service performed. The reason given by the comptroller for this departure from his instructions is, that the service is of so delicate a nature, that he does not think it prudent to make the circumstance public.—After this declaration we forebore to inquire into the purposes to which this money had been applied, and, of course, have no evidence of the nature of the services performed; yet we have reason to believe, that they were of such a nature as to come within the description of naval services. There are circumstances, connected with the public interest, which have induced us to withhold the names of the parties to whom the money was advanced, and the nature of the service to which we apprehend it had been applied; but, as the only security which the public have for the propriety of the disbursements of public money by the comptroller of the navy, which may be considered of a secret nature, is the ultimate investigation of the navy board, to which all transactions of this nature are directed by the order in council to be submitted, upon the completion of the services, we think so salutary a regulation ought not to be departed from. —By the account entered in the App. No. 4, it will be seen that other sums have been advanced by the navy board for the performance of secret naval services; but as these services are not yet terminated, we can only recommend, that as soon as they are completed, the communication, directed by his Majesty's order in council, be made to the navy board.

(Signed) CH. M. POLE. (L. S.)
EWAN LAW. (L. S.)
JOHN FORD. (L. S.)
HENRY NICHOLLS. (L. S.)
WM. MACKWORTH PRAED. (L. S.)

Office of Naval Enquiry,
No. 24, Great George Street,
4th March, 1805.

APPENDIX.—No. I. *The Examination of Sir A. S. Hamond, Bt. Comptroller of the Navy; taken upon Oath, the 6th of June, 1804.*—Q. What was the amount of the bills issued to Messrs. Donaldson and Glenny, Mr. George Glenny, and to ——— on account of sundry naval services? *A.* To Messrs. Donaldson and Glenny, between October 1800 and May 1802, the sum of four millions three hundred thousand pounds; and to ——— at three different periods, between October 1799 and March 1801, one hundred thousand pounds. — *Q.* Did these bills differ in form from the bills usually issued at ninety days? *A.* In no other way than in stating, that they were for general naval service; the other bills particularising the services for which they were issued.—*Q.* Had there been any stores delivered, or services performed by those persons, at the time of issuing those bills, or were they under orders to perform any service, or to purchase any stores for the use of the navy? *A.* There were services performed by ——— but by the others none. These bills were issued for the purpose of the amount being paid into the hands of the treasurer of the navy to discharge ninety-day bills then become due, by order of the lords commissioners of the treasury. It will be here necessary for me to state, in order to give the commissioners a clear idea of that transaction, that an act of parliament took place in 1796, for discharging all navy bills in ninety days. The treasury were occasionally apprized of the time the bills became due. — In September 1800, money not being then in the treasury sufficient to discharge the ninety-day bills then become due, their lordships gave orders that such persons as thought proper might be accommodated with new ninety-day bills in discharge of those due, until further order. But more bills becoming due to persons who were desirous of receiving their money, their lordships directed an issue of bills to be put into the hands of the broker employed by them to dispose of exchequer bills, who undertook, upon receiving the bills, to pay the amount into the hands of the treasurer of the navy, for the purpose above-mentioned. The treasurer was informed by the navy board of the circumstance, and directed to receive the money for the purpose of discharging the bills as they became due. — The mode of paying navy bills at ninety days was an immense saving to the public, as, previous to the act of parliament taking place, bills were at a discount of near fifteen per cent. which was borne by the public; and had it not been for this timely remedy, would certainly have increased. The great object, therefore, was to keep up the credit of the ninety-day bills, and as no fund was exclusively set apart for the payment of them, the amount being perfectly uncertain, the expedient of issuing new bills to pay those becoming due was absolutely necessary to keep up their credit; the sums so issued were regularly paid into the hands of the treasurer of the navy, and the public suffered no loss thereby beyond the common interest.—*Q.* Were any persons accommodated with these bills, other than the holders of ninety-day bills then due? *A.* No.—*Q.* Was the amount of the bills imprested, or charged against the persons to whom they were issued, or any other person? *A.* No. they were not issued by way of imprest; the brokers who were employed by the treasury for the sale of exchequer bills, Messrs. Benjamin and Abraham Goldsmids, and Messrs. Antrobus and Wood, had the bills made out to such persons as they thought proper; they undertaking to be security for the payment, and producing the parties at the navy board, and frequently paying the money into the hands of the treasurer before the bills could be made out.—*Q.* Had bills for the purpose of raising money ever been issued previous to October, 1800? *A.* Not that I know of, there does not appear to have been any occasion. — *Q.* Have the navy board, or comptroller of the navy, by act of parliament or patent, power to draw bills otherwise than for services performed, or stores supplied, or by way of imprest for services to be performed, or stores to be supplied? *A.* I have an objection to answer that question. You, gentlemen, have before you the navy patent, and order in council, on which the board is to act. You also know the comptroller has an authority to execute any secret services entrusted to him by the government.—*Q.* Upon what grounds do you object to answer the above question? *A.* Upon the fifth section of the act of the 43d Geo. III. cap. 16.—*Q.* In what manner is money supplied to the treasurer of the navy, for the services of that department? *A.* By the commissioners of the navy authorising the treasurer of the navy to solicit the lords commissioners of the treasury, and which had been done in the cases before recited, previous to receiving any order for issuing the navy bills above-mentioned.—*Q.* Were any of the bills issued to Messrs. Donaldson and Glenny, Mr. Geo. Glenny, or to ———, charged as an imprest against any of those persons? *A.* To ——— they were, but not to the others; the order from the treasury directing the amount to be placed as an imprest against ———. *Q.* Why were the bills issued to ——— charged as an imprest, and those issued to the other persons not so charged against them? *A.* Because the former were to defray the expense of secret services performed by him, and the latter paid the amount of the bills they received immediately into the hands of the treasurer of the navy.—*Q.* Was the whole amount of the four millions three hundred thousand pounds, for which bills were made out to Messrs. Donaldson and Glenny, paid over to the treasurer of the navy? *A.* Yes.—*Q.* What was the nature of the directions given by the lords commissioners of the treasury, for issuing the bills? *A.* Their lordships directions were given by their secretary's letters to the navy board, and enclosed confidentially to the comptroller.—*Q.* Was the amount of the bills to be issued at different times specifically directed, or was it left to your discretion, or the discretion of the navy board? *A.* The amount was specifically directed.—*Q.* What means were taken to discharge these bills when they became due? *A.* The same means as were used for the paying of other ninety-day bills when they became due, and of which they became a part.—*Q.* Were all these bills paid off when they became due, or were other bills issued in lieu of them? *A.* They were paid off when they became due.—*Q.* What interest or advantage did the persons in whose favour the bills were drawn derive from them? *A.* Not the least; they only permitted their names to be inserted by the desire of the brokers who undertook to pay the amount.—*Q.* Were these bills payable at ninety days, and the interest for that time added to the principal sum of the bill? *A.* They were exactly upon the footing of all other bills, and bore an interest from the day they were issued.—*Q.* For what purpose was interest added? *A.* The interest was added agreeably to act of parliament.—*Q.* Did the persons employed to negotiate the bills account to the treasurer of the navy for the principle and interest of the bills? *A.* They regularly accounted with the treasurer of the navy for the principal, who certified the receipt with other moneys that had come into his hands. The payments being made so soon after the issue of the bills very little interest could occur for the benefit of the brokers.—*Q.* What allowance had the persons for negotiating them? *A.* None.—*Q.* By whose direction were the brokers made to account to the treasurer of the navy for the produce of such bills? *A.* At the time of issuing the bills to the brokers, a letter was written to them by the navy board to pay the amount into the hands of the treasurer of the navy, and a letter was at the same time written to the treasurer to receive such amount.—*Q.* Have the persons to whom the bills were issued duly accounted for the same? *A.* They have.—*Q.* When were the bills in favour of ——— issued? *A.* At different times, from the 4th October 1799 to 14th March 1801.—*Q.* When, and by what order, was the imprest against ——— taken off? *A.* ——— had paid five thousand pounds of it into the hands of the treasurer of the navy some time back, and the remaining imprest of ninety-five thousand pounds was taken off within these two months, by an order from the lords of the treasury.—*Q.* What was the reason given for removing the imprest? *A.* That their lordships were satisfied that the naval services for which the money had been issued had been actually performed.—*Q.* Did the navy board ever pay money, or issue bills on account of secret services, except the bills issued to ———? *A.* They have in other instances issued navy bills for secret service, but never when that service has not been naval.—*Q.* Are such secret services performed under the orders of the navy board, or are they made acquainted with the services? *A.* If the order from government is directed to the comptroller "secret and confidential," he communicates only with the committee of accounts till the service is executed, and then lays the whole transaction, with his proceedings thereon, before the board, for their judgment and decision.—*Q.* Have you laid before the navy board all the circumstances of the transaction respecting the one hundred thousand pounds issued to ——— for their judgment and decision? *A.* The letter from the treasury directing the clearing bill to ——— has been read to the board; but the service is of so delicate a nature, that, although I am acquainted with it, I still think it prudent not to make the circumstance public.—*Q.* Was the service performed by ——— under the orders of the comptroller? *A.* No.—*Q.* Under whose directions were those secret naval services performed, for which the imprest of one hundred thousand pounds was made to ———

——? *A.* Under the direction of the lords commissioners of the treasury, and with the knowledge and approbation of the first lord of the admiralty.—*Q.* Have ——— accounted with the navy board for the expenditure of the money impressed against them? *A.* No.—*Q.* Have monies for secret service ever been issued by the navy board to any other persons than ——— of the expenditure of which the navy board were not ultimately made acquainted? *A.* No, if the services have been terminated.——*Q.* Had ——— been called upon by the navy board, previous to the imprest being removed, to account for the produce of the bills issued to them? *A.* No, it was not a service that the navy board have been acquainted with.——*Q.* As it appears that several bills were made out on the 23d of October 1800, to Mr. Cornwall Smalley for sundry naval services, which were forwarded to him, and returned on the following day, cancelled and burned, you are desired to explain the nature of this transaction? *A.* The bills that were made out to Mr. Glenny were originally made out to Mr. Smalley, but Mr. Smalley stating an objection, they were cancelled, and Mr. Glenny was brought by Mr. Goldsmid the next day.—*Q.* What was the nature of the objection stated by Mr. Smalley? *A.* As he had other concerns with the board, he seemed to think it might interfere with them.—*Q.* Was any minute made on the proceedings of the board respecting the issuing or negotiating of the bills to Messrs. Donaldson and Glenny, Mr. George Glenny, and ———? *A.* I do not think there was; it was considered as a confidential service.—*Q.* In the account of out-standing bills laid before parliament, as forming a part of the debt of the navy, were these bills distinguished from those issued for services performed, or stores supplied? *A.* No.—*Q.* When were the bills at ninety days first issued? *A.* I think about January 1797, the bill passed the 30th December 1796.—*Q.* Previous to that time did the bills specify the nature, quantity, and price of the articles for which they were issued in payment? *A.* Yes.—*Q.* Do the bills now issued so specify the nature, quantity, and price of the articles for which they are issued in payment? *A.* Previous to the passing of the act, the bills for stores were made out at the yards, according to the warrants and prices; but as the new mode of payment was thought to be more beneficial to the merchants, three months credit was exacted, therefore the yards were directed to send up certificates of the stores they had received, which, after lying three months in the office, and undergoing the necessary examination, a ninety-day navy bill was delivered to the party for the amount, specifying only the general heads of the service performed.—*Q.* Why was the former practice departed from? *A.* I have given the reason in my former answer, and it was not thought necessary to detail the particulars of the articles in the bills, more especially as the increase of business rendered it necessary to abridge whatever might appear superfluous.—*Q.* Has it been the practice of the navy board to draw bills on the treasurer of the navy, or to pay money in compliance with directions from the lords of the treasury? *A.* Yes.—*Q.* What is the nature of the services for which the treasury direct the navy board to pay? *A.* All head money cases, where, from the want of necessary vouchers, the navy board have not felt themselves authorized to pay without their direction; bounty bills; some pensions and rewards, and sign manuals.—*Q.* Was the treasurer of the navy, about the time of issuing the bills to the persons before-named, regularly supplied with the money he was desired by the navy board to apply for? *A.* No.—*Q.* Did any difficulties arise to the public service in consequence of the money not being regularly supplied? *A.* None, owing to the expedient which was adopted; but there would have been a very serious inconvenience, if some measure of that sort had not been resorted to, to prevent the navy bills falling into disrepute, and frequently for want of ready money called for on a sudden to send down to the ports to pay ship's companies.—*Q.* At the time of issuing the bills in question, were there any, and what bills, which the navy board thought it right to defer the payment of? *A.* I do not remember the payment of any bills having been deferred.—*Q.* Did the lords commissioners of the admiralty give any directions to you or to the navy board, respecting the issue of the bills to Messrs. Donaldson and Glenny, Mr. George Glenny, or to ———? *A.* I had frequent conversations with the first lord of the admiralty on the subject, but do not recollect any order given by the board of admiralty on these points.—*Q.* Was it officially communicated to the admiralty, that the navy board were about to issue, or that they had issued such bills? *A* No.——[Signed by A. S. Hamond, and by the Commissioners.]

The further Examination of Sir Andrew Snape Hamond, Bart.; taken upon Oath, this 8th Day of June, 1804.—*Q.* Was the amount of the ninety-day bills more uncertain in the years when the bills were drawn for the purpose of raising money than in former years? *A.* I do not recollect; the amount was always uncertain.—*Q.* Are the votes of money for the service of the navy made on estimates laid before parliament by the navy board, of the probable expenses in the ensuing years? *A.* The estimates voted by parliament are according to the number of men intended to be employed, at the rate of 7*l.* a man per month; but the ordinary and extraordinary of the navy are voted separately on estimates laid before parliament.—*Q.* Did the expenses of the navy since the establishment of the ninety-day bills, in the years in which money was raised by the bills issued as before described, exceed the estimates in a greater degree than in the years preceding, in which this measure was not had recourse to? *A.* I must refer to the expense of the navy for those years for an answer to that question.—*Q.* Did the necessity of raising money by issuing ninety-day bills for that purpose, arise from a deficiency in the votes for naval services? *A.* Sometimes I conceive the necessity arose from a deficiency of money in the treasury, at others from the naval supplies being exhaused, as I believe was the case in October 1800, when the measure was first resorted to.—[Signed by Sir Andrew Hamond and the Commissioners.]

No. II. *Mr. Long to the Commissioners of the Navy, dated Treasury Chambers, 7th Sept.* 1800.—Gentlemen, I am commanded by the lords commissioners of his Majesty's treasury to desire that you will signify to the treasurer of the navy, the desire of this board, that he notify to the persons having ninety-day navy bills now due, and wishing to have a renewal of the same, instead of receiving the amount in cash, that they may be accommodated with new bills, bearing the same interest; and that he would continue the same accommodation of the parties till further notice from this board. I am, gentlemen, your most humble servant, Chas. Long.

No. III. *The Examination of George Glenny, Esq. taken upon Oath, the 22d June,* 1804.—*Q.* It appearing that bills to the amount of one million sterling were drawn in your favour in the years 1800 and 1801, by the navy board, for the purpose of raising money, what circumstances led to the use of your name, and what advantage did you derive from that transaction? *A.* The circumstances which led to my name being used, arose in the first instance from an accidental conversation which took place between Sir Andrew Hamond and myself; when he inquired of me, if I did not meet with considerable difficulty in procuring money for the very large sums of victualling bills which necessarily pass through my hands. I answered, that I never met with any difficulty. He asked me through what channel I obtained the money; I informed him, that I had been in the habit for several years of giving to Messrs. Goldsmids all the bills as I received them, on the condition that they would supply me with any sum of money, not exceeding the value of the bills, whenever I had occasion for it, without any previous notice. He continued his inquiry, and asked, to what extent Messrs. Goldsmids could at any time furnish me with money without previous notice; I told him, that I never had had occasion to try to what extent they could go, but that I had understood from them they could raise from the extent of five hundred thousand pounds in a day, if it were necessary. He inquired what consideration I paid them; I informed him, that the consideration varied according to the time the bills had to run when I received the money; from one quarter to one-eighth per cent. He asked me, how they could take that to avoid usury; I informed him, that they never discounted the bills themselves; they advanced money, and kept them until some person who had money to spare applied for such bills, charging five per cent. for the time the loan had been made, and the quarter or eighth per cent. as a brokerage. He informed me, that their office was very often under great difficulties for want of ready money, when the treasury could not issue it, and asked, if I thought any means could be devised whereby they might obtain occasional assistance through the medium of such bills, and the Goldsmids; I informed him, that I would communicate with them, and let him know; I accordingly had an interview with Messrs. Goldsmids on the subject, and we waited the next morning on Sir Andrew Hamond together, when Mr. Goldsmid informed him, if such bills could be made out, that they could furnish the office with any sum they might require upon a day's notice. The only difficulty then was, how to issue the bills, and, after some consideration, I agreed that the bills should be made payable to me; the result was, that these bills were made out, sometimes one hundred thousand or one hundred and fifty thousand pounds at a time, and I endorsed them and handed them over to Messrs. Goldsmids, first having acknowledged the receipt of the bills to the board by letter. Here the transaction ended, as far as regarded me, and I derived no advantage or emolument, directly or indirectly, in contemplation or otherwise, from this transaction.—*Q.* It appearing also that bills for a similar purpose, to the amount of three millions three hundred thousand pounds, were drawn in favour of Messrs. Donaldson and Glenny in 1801 and 1802, what circumstances led to the use of the firm of your house in preference to your name, and what advantage did you, or the house to which you belonged, derive from that transaction? *A.* The circumstance that led to these bills being made payable to Donaldson and Glenny was, that as they had considerable dealings with the public, it was conceived that the change might the better conceal from the public eye the temporary necessity which occasioned the issue of these bills; and neither Alexander Donaldson nor myself received, directly or indirectly, any advantage or emolument whatever, in contemplation or otherwise, from this transaction.—*Q.* Has any allowance been made, or is any allowance to be made, to Messrs. Goldsmids for negotiating such bills? *A.* I understand there either has, or will be, some consideration made to Messrs. Goldsmids; but what the quantum is I do not know. [Signed by George Glenny, and by the Commissioners.]

No. IV. Exhibits a detailed enumeration of these bills, specifying their amount, their dates, &c. &c.

No. V. *The Examination of William Foster, Esq. Chief Clerk in the Office for Bills and Accounts, in the Navy Office; taken upon Oath, the* 31*st May*, 1804.—*Q.* How long have you been in your present situation, and what are the duties attached to it? *A.* I have been in my present situation since Dec. 1801; and my duty is to superintend the whole business of the office for bills and accounts.—*Q.* What is the process of making out bills for stores delivered, or services performed? *A.* Upon the certificates of the delivery of the stores at the yards being received at the office, they are examined with respect to the prices, to see that they are agreeable to the contracts and warrants, and the computations are checked, and if found correct, a bill of exchange is then made out to the parties, signed by three members of the board, payable at ninety days; the interest on which is added to the sum of the bill; and the nature of the services for which the bills are issued is stated on the bills.—*Q.* Have there been any bills made out for which neither stores have been delivered, nor services performed? *A.* I know of none but those made out to Donaldson and Glenny, to ———— ———— and to Mr. George Glenny.—*Q.* What was the object of the bills issued to those persons? *A.* I apprehend as a temporary assistance to government. (a)—*Q.* What was the nature of the directions you received of marking out such bills, and from whom? *A.* Papers requiring me at different periods to cause bills to be made out to Messrs. Donaldson and Glenny, to ———— ———— or Mr. George Glenny, to certain amounts, signed in general by the comptroller of the navy singly.—*Q.* What orders were given to you for making out bills for stores delivered, or services performed? *A.* I receive no orders; the bills are made out of course on the receipt of the certificate of the delivery of the stores at the yards, if found correct.—*Q.* To what amount do you apprehend bills to have been made out to the persons whom you have stated? *A.* About four millions four hundred thousand pounds, as follows:

To Mr. George Glenny - -	1,100,000
To Messrs. Donaldson and Glenny	3,200,000
To ———— - - - - - -	100,000
	£4,400,000

Q. Between what periods were such bills made out? *A.* Between October 1800, and May 1802.—*Q.* Did such bills differ in their form from those issued for stores delivered, or services performed? *A.* The wording of these bills was "On account of "sundry naval services." The wording of the others, "On account of the particular "stores, or for the particular services."—*Q.* What was the nature of the charge or imprest placed against the persons to whom such bills were issued? *A.* An imprest was charged against ———————— for the amount of the bills issued to him, which was cleared about a week or ten days ago, by an order from the lords commissioners of the treasury. There was no imprest charged against the other persons; they were not imprest bills, but regular bills, and consequently no imprest could be charged.—*Q.* Do you know why the amount of the bills issued to ———————— was charged as an imprest against him, and those issued to the other persons not so charged against them? *A.* I do not.—*Q.* To whom were the bills delivered? *A.* They were in general sent to Mr. Glenny, or delivered to Mr. Goldsmid.—*Q.* You have said, that you apprehend the bills were issued as a temporary assistance to government; in what manner were they rendered effectual to that purpose? *A.* I conceive they were disposed of, and the produce appropriated for the use of government. (b)—*Q.* In what manner was the produce of such bills accounted for? *A.* I do not know. (c)—*Q.* What allowances have been made to the persons employed in negotiating and discounting such bills? *A.* I do not know. (d)—*Q.* Have the accounts of the persons to whom the bills were issued been finally settled, and when? *A.* I do not know that they have any account. (e)—*Q.* In the register of bills for the year 1800, there appears to have been issued on the 23d October, to Cornwall Smalley, Esquire, sixty-nine bills, on account of sundry naval services, which appear by a notation in the book to have been returned on the following day, cancelled, and burned; state what you know relating to this circumstance? *A.* It was not in my time, and I do not know any thing relating to the circumstance.—*Q.* When was the present mode of paying the contractors by bills at ninety days first adopted? *A.* In December, 1796.—*Q.* Previous to that time did the bills specify the nature, quantity, and price of the articles, for which they were issued in payment? *A.* Yes, the account made out at the yard of the stores delivered, was the bill, after having been registered in the navy office, and signed by the board; since that time the bills have only specified the nature of the stores.—*Q.* What was the reason for departing from the practice of making out the bills in the former mode? *A.* It was done by direction from the lords commissioners of the treasury.—[Signed by W. Foster, and by the Commissioners.]

Alterations and Additions made to the foregoing Examination, by Desire of this Examinant, the 1st June, 1804.—(a) To the question, "What was the object of the bills issued to those persons?" I now answer, they were issued to them for the service of the navy.—(b) The bills were disposed of by Messrs. Benjamin and Abraham Goldsmids, and Messrs. Antrobus and Wood, and accounted for by them to the treasurer of the navy.—(c) The amount of the bills was accounted for, as I have before said, to the treasurer of the navy.—(d) The persons employed in negotiating the bills were allowed the usual commission of one-eighth per cent.—(e) The accounts have been delivered in to the treasurer of the navy; but whether they are finally settled or not, I cannot say. [Signed as before.]

Further Interrogatories put to William Foster, Esq. this 1st Day of June, 1804.—*Q.* How do you know that the bills issued to Messrs. Donaldson and Glenny, and Mr. George Glenny, were for the service of the navy? *A.* From accounts having been rendered by Messrs. Goldsmids, and Messrs. Antrobus and Wood, the brokers to the treasurer of the navy, of the produce of such bills.—*Q.* Is it the usual practice of the navy office to charge all persons with imprests for money advanced to them on account of stores to be purchased, or services to be performed? *A.* Yes.—*Q.* When the ninety-day bills were first issued, how were the days reckoned for which the interest was computed? *A.* The ninety days were reckoned from the day of the registry to the day of payment, both days inclusive.—*Q.* Has that mode of reckoning the days on which the interest has been computed been altered, and in what manner? *A.* It has; the day of registry is not now included.—*Q.* When did such alteration take place? *A.* I believe about twelve months ago.—*Q.* Did the other offices reckon the ninety days for the interest in the same manner as the navy office formerly did? *A.* The victualling office did not; the day of registry was not included.—*Q.* Was the practice of the victualling office long known at the navy office before it was altered? *A.* I cannot answer that question with any degree of accuracy. [Signed as before.]

The further Examination of William Foster, Esq.; taken upon Oath, the 19th of June, 1804.—*Q.* What reason have you to believe that the persons employed to negotiate the bills issued by the navy board for the purpose of raising money, were allowed a commission of one-eighth per cent. *A.* I have none. In my evidence of the 1st of June, I made a mistake; the commission I alluded to was on the sale of exchequer bills.—*Q.* Have you any reason to believe that the persons employed to negotiate those bills are to have any allowance made them? *A.* I have not. [Signed as before.]

No. VI. *Mr. Long to the Commissioners of the Navy, dated Treasury Chambers, Oct. 22d,* 1800.—Gentlemen, the public service requiring an issue to the amount of 500,000l. for the purpose of paying off ninety-day bills, I am commanded by the lords commissioners of the treasury to direct that you will issue, from time to time, ninety-day bills to that amount, for payment of the said bills. I am, gentlemen, your faithful humble servant, Charles Long.

No. VII. *Navy Office, 24th Oct.* 1800. —Sir, We have your letter of this date, informing us of your having received the sum of 100,000l. on our account, and we desire you will pay the same into the hands of the treasurer of his majesty's navy, at his office in Somerset House. We are, sir, your humble servants, A. S. Hamond, C. Hope, Geo. Rogers. [Addressed to George Glenny, Esq.]

No. VIII. *Navy Office, 24th Oct.* 1800. —Sir, Mr. George Glenny having received the sum of 100,000l. on account of this board, we have directed him to pay the same into your hands, and we desire you will please to receive it, and apply it towards the payment of navy, victualling, and transport ninety-day bills, as they become due. We are, sir, your very humble servants, A. S. Hamond, C. Hope, Geo. Rogers. [Addressed to the right hon. Dudley Ryder.]

No. IX. *The Examination of Alexander Trotter, Esq. Paymaster of the Navy, taken upon Oath, the 15th June,* 1804.—*Q.* By whom was the produce of the navy bills issued for the purpose of raising money for the service of the navy, between October, 1800, and May, 1802, received? *A.* Money was received at the bank on account of the treasurer of the navy, which I believe to have been the produce of bills issued under the circumstances alluded to in the question, and I also believe to have been the whole of the money raised by bills under this description.—*Q.* Has any allowance been made to the persons in whose favour such bills were drawn, or to the persons employed to negotiate such bills? *A.* I have no knowledge of the transaction, or of the negotiation.—*Q.* Did any correspondence pass between the treasurer of the navy and the treasury, or the navy board, which led to the issue of these bills? *A.* I do not recollect any correspondence upon the subject.—*Q.* Did the treasurer of the navy, between, October, 1800, and May, 1802, meet with any difficulties in obtaining from the treasury the sums applied for by him, by directions of the navy board? *A.* Official difficulties will always occur in the frequent applications made for money, and I believe difficulties may have occurred during that period. [Signed by Mr. Trotter and by the Commissioners.]

The further Examination of Alexander Trotter, Esq.; taken upon Oath, the 11th December, 1804.—*Q.* It appears that several of the bills issued by the navy board for the purpose of raising money, were delivered to you and Mr. Thomas Wilson; were any of such bills discounted by you, or for your use? *A.* They were not. [Signed as before.]

No. X. Consists of Goldsmid's detailed account of the sales of the bills.

No. XI. *The Examination of Abraham Goldsmid, Esq.; taken upon Oath, the 25th June,* 1804.—*Q.* It appearing that in the years 1800, 1801, and 1802, bills to the amount of 4,300,000l. were drawn by the navy board in favour of Mr. George Glenny, and Messrs. Donaldson and Glenny, for the purpose of raising money, was you employed to negotiate such bills, and by whom? *A.* I was; Mr. Long, the secretary of the treasury, asked me if I could discount such bills; and I afterwards received them from the navy office.—*Q.* Has any allowance been made to you for your trouble in negotiating the bills? *A.* The account is not settled; the sum of the bills, the interest which had run on them, and the difference between the three-pence halfpenny per cent. per day, and five per cent. at which rate they were discounted, were carried to the account of government, and I am to have one-eighth per cent. brokerage, which exceeds the interest by the sum of forty-six pounds sixteen shillings and nine-pence, upon the sum of 4,300,000l. the amount of the bills.—*Q.* In what manner did you dispose of the bills? *A.* We got them discounted.—*Q.* To whom, and when, did you pay over the produce of such bills? *A.* Whenever it was required by the paymaster of the navy, the money was paid into the bank on account of the treasurer of the navy?—*Q.* Did you pay over the produce of the bills as you discounted them, or did the produce of the bills remain in your hands any length of time? *A.* Never any length of time; the money was paid over as it was required. [Signed by Abraham Goldsmid, and by the Commissioners.]

The further Examination of Abraham Goldsmid, Esq. taken upon Oath, the 9th July, 1804.—*Q.* Is it customary, in calculating interest on bills, to include the day of the date of the bills, and the day of payment? *A.* It is not; the day of payment is included, but not the day of the date of the bill.—*Q.* Was you aware that the ninety days interest on the bills drawn by the navy board, and negotiated by you previous to the 19th of December, 1801, included the day of the date of the bills, and the day of payment? *A.* No.—*Q.* It appearing from the account furnished by you to the navy board, of the produce of the bills drawn by that board in favour of Mr. George Glenny, that bills to the amount of 100,000l. dated the 24th October, 1800, were negotiated by you on the following day, and that the sum with which you have credited the public beyond the principal sum of the bills, is 36l. 1s. 5d. and that on the 5th of May, 1802, bills to the same amount were issued and negotiated by you on that day, and that the sum carried to the credit of government beyond the principal sum of the bills, is 63l. 2s. 1d.; how do you account for the latter sum being greater than the former?—*A.* It was owing, in the first instance, to the money being provided before the bills were issued, some delay having occurred owing to a difficulty in whose name the bills were to be made out.—The second sum is right according to a calculation made from a discount book, by which book we always make our calculations of interest.—[Signed as before.]

No. XII. *Navy Office, 7th Feb.* 1797. Gentlemen, We have received your letter of the 1st instant, transmitting an account of the victualling bills payable in course, which have been registered in last month; and we conclude there are none outstanding previously thereto, although that circumstance is not mentioned in your letter. As we think that all the bills past under the same act of parliament ought to be uniform in all their terms, we are concerned to find that the days of your bills becoming due, as noted in this account, differ from those made out at this office, and at the Transport office, viz. that your's, registered on the 2d Jan. are noted to become due on the 2d April, and so on, forward; whereas at this office and at the Transport office, they are made to become due on the 1st April (when 90 days for their running on interest expire) according to the custom which has been constantly adopted of including the first and last days on all occasions, dependent on length of time or number of days; and amongst the rest, in the mode of computing interest on the navy bills passed under the act of parliament in force immediately preceding the present one, and likewise in conformity to the present act, which directs such interest to commence from the dates ot the bills. We are, gentlemen, your humble servants, H. Harmood. Geo. Rogers. S. Gambier. [Addressed to the Commissioners of the Victualling Board.]

No. XIII. *Victualling Office, 8th Feb.* 1797. Gentlemen, We received your letter of the 7th instant on the subject of the bills payable in course, which have been issued by us in the course of the last month, as specified in the account transmitted to you in our letter of the 1st instant, being noted as becoming due a day later than the bills of the same description as issued by you, and the commissioners for conducting the transport service, on the same day. In reply to which we beg leave to acquaint you, that the bills in course, which since the beginning of last month have been made out in this department, are payable ninety days after date (instead of three months) conformably to the plan adopted by you. In ascertaining therefore the particular periods on which these bills severally become due, it appeared to us obvious, beyond the possibility of doubt, that the days on which they were respectively dated could not be included in the computation of the time they have to run, and of course the bills issued by us on the 2d January last (which were the first we made out) have been marked payable on the 2d April next, being according to the number of days in each month, the ninetieth day after the said 2d of January. This rule is likewise consistent with that universally observed in respect to bills of exchange, to which, except in the instance of the three days grace usually taken, we understood it was the intention that these bills should as near as possible be rendered similar, and to which also we believe the custom you mention "of including the first and last days on all occasions dependant on length of time or number of days," has never applied; and we have the satisfaction to state, that the mode we have hitherto pursued has not occasioned the slightest remonstrance from any person receiving or holding such bills, of their having been made payable a day later than accuracy requires. The custom above referred to, which you are pleased to represent as having been constantly adopted on all occasions, has, we believe, been confined solely to the computation of the interest on the navy bills past under the act of parliament in force preceding the present one, and was then adopted from the suggestion of your officers. But before that period, it was the invariable practice of this office not to include both the first and last days in the calculation of the interest; and upon referring to the present act of parliament, it expressly enacts, that the interest shall commence "from" (not on) the dates of the bills.—We beg leave to add, that in the formation of the plan we have thus pursued, we were not conscious of differing from the practice of other departments, nor had we any other object in view than a desire of acting correctly.—We are, gent. your most humble servants, G. Cherry, G. P. Towry, F. Stephens, R. S. Moody, J. Hunt, W. Boscawen.

No. XIV. *The Examination of Richard A. Nelson, Esq. Secretary to the Navy Board; taken upon Oath, the* 8*th Nov.* 1804.—*Q.* Was the report of the lords commissioners of the admiralty, respecting the arrangement of the navy board into committees, and the duties of its several members, upon which the order of his Majesty in council, dated the 8th of June, 1796, was grounded, or a copy thereof transmitted to the navy board with the admiralty order of the 17th Aug. 1796? *A.* It was not.—*Q.* Has that report, or a copy thereof, been since transmitted to the navy board? *A.* It has not.—*Q.* Have any and what regulations been established since that period, for regulating the official duties of the navy board, or any particular member thereof? *A.* None.—*Q.* It not being specified in the regulations of the admiralty of the 17th August, 1796, under what authority the comptroller was to perform the secret services therein alluded to, under what authority did the navy board understand the comptroller was to perform such services? *A.* The comptroller is authorized by the order of 17th August, 1796, to execute secret services; and for any secret services which he has hitherto performed, and which have afterwards been laid before the board, he has produced the orders of the first lord of the admiralty.—*Q.* Is the navy board in the practice of following the directions of the lords commissioners of the treasury? *A.* Yes, in many instances.—*Q.* How long has this practice prevailed? *A.* It has always been the practice since I have been in the office; on looking over the books I have seen old orders from the treasury addressed to the navy board.—*Q.* Upon what subjects are such directions usually given? *A.* Head money is the principal; payment for timber felled in the King's forests; payments for ships detained before a declaration of war; and references for reports upon expenses in naval affairs.—*Q.* Is it usual for the navy board to communicate such directions to the admiralty? *A.* No.—*Q.* Did the admiralty, during the late war, direct the navy board to furnish them with copies of such orders as they might receive from the treasury? *A.* No.—*Q.* Are there any regulations by which the navy board, or any particular member thereof, is required or authorized to follow the directions of the lords commissioners of the treasury? *A.* None that I know of.—*Q.* Do the orders given by the treasury to the navy board for the payment of money, specify the particular sums to be paid, and the services for which the payments are to be made? *A.* The services are always specified; sometimes the rate, and sometimes the sum. [Signed by R. A. Nelson, and by the Commissoners.

The further Examination of Richard Alexander Nelson, Esq. Secretary to the Navy Board; taken upon Oath, the 12*th Jan.* 1805.—*Q.* It appears that on the 12th Dec. 1801, a minute of the committee of accounts was laid before the navy board, proposing an alteration in the mode of paying the ninety-day bills, which was adopted by that board on the 18th of that month, and ordered to take effect on the following day; was any general notice given to persons holding contracts, under the navy board, and their consent thereto required previous to carrying into execution the resolution of the board above-mentioned? *A.* I do not recollect that there was.—*Q.* Have any remonstrances or complaints been made by the contractors to the board, in consequence of this alteration? *A.* None that I remember.—*Q.* Is there any minute on the proceedings of the navy board, shewing, previous to the resolution above-mentioned, an intention of altering their mode of computing the time when the ninety-day bills became payable, either at the approach of peace or any other period? *A.* None that I know of.—*Q.* Do you know of any enquiry having been made, by order of the navy board, into the mode of computing the time of paying bills of exchange, or exchequer bills, in consequence of the representation made to them by the commissioners of victualling, in their letter of February 1797, or of any enquiry made by the navy board at any other time upon the subject? *A.* I do not know whether any inquiry has or has not been made, but no public enquiry has taken place by examination before the board. [Signed as before.]

No. XV. *Committee of Accounts, 12th Dec.* 1801.—Doubts having been suggested of the propriety of the mode in which the ninety-day bills issued from this office are made out, as to the expression of the time for which interest is to be paid on them, the committee, after investigating the business, find that the mode of computation used in this office was adopted in conformity to the custom which had constantly prevailed, and still prevails on all occasions dependent on length of time and number of days, and among the rest in computing the interest on every navy bill paid since their first establishment, to include in the computation the day on which the bill is issued as well as that on which it is paid, and this mode of computing the interest being that to which the contractors with this office had been accustomed, it was considered as only keeping faith with them to continue the calculation of interest on the same footing; and the chief clerk at the time, and the late Mr. Davies (the preceding chief clerk) deeming it to be in conformity not only to the ancient practice of the office on all occasions, but also to the present act, which directs such interest to commence from the dates of the bills (they, according to official interpretation, conceiving the word "from" to mean inclusively, as in the computation of all broken time, whether for the payment of pension, salary, day-pay, interest, &c.) it has always been, and now is, the invariable practice to include under the expression of "from such "a time to such a time," both the day on which the salary, pension, day-pay, interest, &c. commenced, as well as that on which it terminated.—The ninety-day bills issued by the victualling office are made out differently (though on the inspection of salary bills made out by that office, it appears that in their computation of broken time from such a day to such a day, they included both the first and the last day, construing the word "from" to be inclusive) in the ninety-day bills the first day is thrown out in the computation, by which means, a bill drawn by that office falls due one day later than one drawn on the same day by the navy office; but it may be considered whether this day's interest is really any saving to the public, as it may be presumed that the contractors reckon upon it accordingly.—Under these circumstances, the committee refer to the board's consideration, whether it may be proper at this time to depart from the ancient usage of the office, and make an alteration in the computation of the time the ninety-day bills are made out to run, in conformity with the victualling office and the custom of merchants in discounting bills.—18th December 1801. The whole of the preceding circumstances being this day taken into consideration, the board determined, that the ninety-day bills to be issued in future, should not bear any interest for the day on which they are dated, agreeable to what is the practice with regard to exchequer bills, and bills made out at the victualling office. To commence on the 19th inst.—Board.

No. XVI. *Navy Office, 22d August,* 1804.—Gentlemen, We have received your letter of the 1st instant, desiring to be informed what induced us to continue the practice of including the day of the date in reckoning the interest of ninety-day bills, until the 19th of December 1801, and what afterwards led to our adopting the practice of the commissioners of the victualling, pointed out in their letter of the 8th February 1797; and we request to inform you, that we did not, upon receiving the letter from the commissioners of the victualling, in answer to the one we had addressed to them on the subject, see sufficient reason from what was urged by them, for altering a mode of computation which had constantly prevailed in this office since the first establishment of navy interest bills, of including the day on which the bill is dated, as well as that on which it is paid; a mode of computation which extends to all payments for salary, pension, full or half pay, and for all other allowances issued from this department.—In whatever light the consideration may have been held, in respect to, whether a bill be paid one day sooner or later (the sum paid for the interest being the same in one case as in the other) it was of course calculated upon by the contractors when they made their contracts, and we could not deviate from it while the contracts were pending, without subjecting ourselves to the imputation of having departed from the universally understood mode of rendering payments at this office; but when the time arrived, at the conclusion of the late war, that many contracts were put up, and many more were intended to be so, we thought it a good opportunity for altering the day of paying the ninety-day bills, in order that an uniformity in this respect might pervade the different public boards where bills of a similar description were issued.—We have the honour to be, &c. W. Palmer, S. Gambier. F. I. Hartwell. [Addressed to the Com. of Naval Enquiry.]

No. XVII. *Navy Office, 20th Nov.* 1804. Gentlemen.—You having by your precept of the 1st instant, required that there be laid before you an account, shewing what standing contracts with the navy board had determined between 1st October and 19th December 1801, and an account of the standing contracts in force at the latter date, and which continued so for twelve months afterwards; also, a copy of the minutes or directions for altering the practice of including the day of the date in reckoning the interest on ninety-day bills:—We acquaint you, that the contract for tin machines of 6th November, for Portsmouth and Plymouth, and the contract for leather liquored for Portsmouth, are the only standing contracts that determined between 1st October and 19th December 1801. We inclose an account of the contracts in force at the latter date, with a copy of the minute required; and have the honour to be,—gentlemen, &c. W. Palmer. S. Gambier. F. I. Hartwell.—Addressed to the com. of naval inquiry.] Here follows a detailed account of the contracts.]

No. XVIII. *Transport Office, 12th Oct.* 1804.—Gentlemen, in return to your precept of the 5th instant, requiring an account of the amount of the bills of this office, payable at ninety days, issued in each year, upon which the interest of the day of the date, and the day of payment was included; and a statement of the circumstances which led to the adoption and discontinuance of that mode of calculating the interest; we enclose to you the said account, and have to acquaint you, that the persons to whom payments were made by ninety-day bills, were, in strictness, entitled to their money upon the completion of the several services performed; but an interval of several days having almost invariably occurred while their accounts have been under investigation, and the bills were preparing; it was upon this ground, and upon the construction we entertained of the intention of the act of parliament, that the interest was allowed by us both for the day on which the bills were dated, and that on which they became payable. This mode has, however, been altered ever since the month of December, 1801, from which time the interest has not commenced till the following day, understanding the like alteration was to be made by the commissioners of the navy, with whose office list our daily accounts of bills issued are constantly incorporated, for the information of the lords commissioners of his majesty's treasury.—We are, &c. &c Rupt. George, Ambrose Serle, Thos. Hamilton, E. Bouverie. [Addressed to the Commrs. of Naval Inquiry.]

No. XIX. *Navy Office, 16th Oct.* 1804. —An account, shewing the amount of the ninety-day bills issued from this office in each year, during the time interest was allowed both on the day of the date of the bills, and the day of payment.

Commencing.	Ending.		Amount.		
26 Dec.	31 Dec.	1796	90,534	14	11
1 Jan.	31	1797	3,537,291	8	8
1	31	1798	2,611,926	17	2
1	31	1799	3,019,555	2	7
1	31	1800	4,661,788	2	2
1	19	1801	5,826,739	6	5
		Total	£19,747,835	11	11

No. XX. *Transport Office, 12th Oct.* 1804.—An account of the amount of the bills payable at ninety days date, issued in each year, upon which the interest of the day of the date, and the day of payment, was included.

1797 - -	1,507,419	14	10
1798 - -	1,087,571	14	10
1799 - -	1,111,853	7	5
1800 - -	1,347,754	16	11
1801 - -	1,251,376	17	7
Total	£6,305,976	11	7

No. XXI. *Treasury Chambers, 1st May,* 1804.—Gentlemen,—The sum of ninety-five thousand pounds having been imprested to ——— for naval services, and the lords commissioners of his majesty's treasury being satisfied that disbursements for those services have been made by them to that amount;—I am commanded by their lordships to direct you to cause a clearing bill for the said sum of ninety-five thousand pounds to be made out, to discharge ——— in the books of your office from that imprest:—I am, &c. N. Vansittart. [Addressed to the Comrs. of the Navy.]

No. XXII. *The Examination of the Rt. Hon. the Earl Spencer, K. G.; taken upon oath, the 6th Nov.* 1804.—*Q.* It appears, that between the 4th October 1799, and the 9th April 1801, navy bills, amounting to one hundred thousand pounds, were issued by the navy board to ——— for naval services, of which five thousand pounds have been repaid to the treasurer of the navy on the 9th October 1802, and the remainder of the imprest cleared and taken off by an order from the right honourable the lords commissioners of his majesty's treasury, seventy thousand pounds of which sum were advanced between the 4th October and 22d November 1799, during which period your lordship presided at the board of admiralty; was any part of this transaction known to your lordship? *A.* I apprehend the transaction was known to me at the time; but I have not now a sufficient recollection to speak precisely on the subject. [Signed by Earl Spencer and by the Commissioners.]

No. XXIII. *The Examination of the Rt. Hon. the Earl of St. Vincent, K. B.; taken upon oath, the 2d of Nov.* 1804.—*Q.* It appears that between the 4th October 1799 and 9th April 1801, navy bills, amounting to one hundred thousand pounds, were issued by the navy board to ——— for naval services, of which five thousand pounds have been repaid to the treasurer of the navy on the 9th October 1802, and the remainder of the imprest cleared and taken off by an order from the lords commissioners of his majesty's treasury, thirty thousand pounds of which sum were advanced on the 9th April, 1801, at which time your lordship presided at the board of admiralty; was any part of this transaction known to you? *A.* None whatever,—*Q.* It appearing that the sum of fourteen thousand pounds was advanced by the navy board to Messrs. T. Hammersley and company, between the 18th of February and 21st of April, 1804, for a secret service; was the comptroller of the navy authorised by you to perform any secret service for which this money was advanced, or had you any knowledge of the transaction? *A.* He was not; nor have I any knowledge of the transaction.—[Signed by Earl St. Vincent and by the Commissioners.]

PAPERS PRESENTED TO THE HOUSE OF COMMONS RELATIVE TO THE DEBT DUE TO THE CROWN FROM JOHN FORDYCE, ESQ. LATE RECEIVER GENERAL OF THE LAND AND OTHER TAXES FOR SCOTLAND.—

Ordered to be printed 3d *May*, 1805.

Return to an Order of the House of Commons, dated the 22d March last; for, an Account of all Sums which have been paid in Discharge of the Debt of 90,473*l.* 18*s.* 6*d.* *stated, in the 8th Report of the Select Committee of Finance, to be due from John Fordyce, Esq. late Receiver General of the Land and other Taxes in Scotland.*

Amount of debt - - -				£90,473	18	6
PAYMENTS.						
1797, 5th July	£600	0	0			
1800, 3d Feb.	8,250	0	0			
1805, 1st Feb.	1,428	0	0			
30th March	11,000	0	0			
				21,278	0	0
				£69,195	18	6

Return to an Order of the House of Commons, made on the 22d of March last; for Copies of Proposals which have been made, and a Statement of Securities given to the Lords Commissioners of his Majesty's Treasury, by John Fordyce, Esq. late Receiver General of the Land and other Taxes in Scotland, in relation to the Debt stated to be due from him, in the 8th Report of the Select Committee of Finance, so far as relates to the Proposals therein mentioned.—The Proposals made by Mr. Fordyce to the Lords Commissioners of the Treasury, are recapitulated in a letter of the 10th June 1798, printed by order in the Report of the Select Committee of Finance for 1797, Appendix (E.); a copy of which is annexed, No. 1.

Return to the above Order, so far as relates to the Securities therein mentioned.—We have to state, that, to the best of our knowledge, the arrear of Mr. Fordyce was occasioned by the successive failures of three different agents employed by him for the purpose of paying into the exchequer the taxes remitted from Scotland, and not from any diversion or misapplication of the public money by the receiver; the debt therefore becomesdivisible into 3 parts; viz. The sum of 13,415l. 17s. 9d. occasioned by the failure of Douglass and Cockburn, and due from their estate seized under an extent. The sum of 23,944l. 3s. 10d. occasioned by the failure of Fergusson and Murdock, and due from their estate seized under an extent; making 37,360l. 1s. 7d. In regard to which sums the proposals are, that the effects of those agents, having been taken by extent, should remain for liquidation in the hands of Trustees appointed by the treasury. For the first of these sums, no security has been given by Mr. Fordyce, the reason for which is, that Mr. Fordyce has never considered himself responsible for it, for reasons stated in his letter after mentioned. For the latter, there is the security on the estate at Grenada, mentioned in the same letter, which will be applicable to this purpose when the remainder of the debt, for which no other security is given, has been discharged; viz. after the payment of 14,337l. 6s. In execution of the proposals for liquidating the remainder of the debt, the securities following have been given in pursuance of a letter of the 31st March 1799, from Mr. Fordyce, of which No. 2, hereunto annexed, is a copy. First, Bonds delivered by Mr. Fordyce to George Trenchard Goodenough, and Joseph White, Esqrs. in security for the following sums of his debt to the public.

BY WHOM GRANTED.	DATE.	WHEN PAYABLE.	SUM.	
Duncan Davidson, Esq.	14th July 1798 -	31st July 1805	4,000	
William Gemmell, Esq.	- - D° - -			
D° - - - - -	- - D° - -	- - D° - -	3,000	
Robert Bogle, Esq. -	16th July 1798 -	- - D° - -	4,000	
William Blair, Esq. -	20th - D° - -	- - D° - -	3,500	
Philip Antrobus, Esq.	30th March 1799	25th Dec. 1805 -	4,000	
George Moubray, Esq.	17th March 1798	25th March 1805	3,000	These sums have been paid into the Exchequer.
Oliver Colt, Esq. -	- - D° - -	- - D° - -	2,000	
Alex. Brodie, Esq. -	- - D° - -	- - D° - -	2,000	
Rich. Jos. Sullivan, Esq.	- - D° - -	- - D° - -	1,500	
John Sullivan, Esq. -	- - D° - -	- - D° - -	1,500	
John Spalding, Esq. -	- - D° - -	- - D° - -	1,000	
			29,500	

Second, The Obligation of the executors or trustees of the estate of River Antoine, in Grenada, to pay not less than three-fourth parts of the value of the produce of that estate annually to the exchequer, until the remainder of Mr. Fordyce's debt, now reduced to 14,337l. 6s. (exclusive of the said sum of 29,500l.) shall be fully paid; and after such payment, to remain as a collateral security for the payment of such part of the debt of 23,944l. 3s. 10d. due from the estate of Fergusson and Murdock, as may then be unsatisfied. The nature and effect of the latter instrument, and the proceedings subsequent to the proposals, we are not acquainted with farther than by the letters received from Messrs. Goodenough and White, trustees of the crown, and Mr. Fordyce, copies wherefore are annexed, No. 3 and 4. (Signed) W. Lowndes, B. Barne, E. Medows, H. Hayes, H Hodgson.—Office for taxes, 30th April, 1805.

No. I. *Copy of Letter to Charles Long, Esq. dated 10th June, 1798.*—Sir, In answer to your enquiry as to the progress which I had made in carrying into effect the proposal which I had made to the treasury, I have the satisfaction to be able to state to you, that a great part of what I proposed is already executed, and that the whole will be completed in the course of next week. My proposal was, that the effects of the two agents of my late office, which had been seized upon extents, for the security of the balances which I had remitted to them to be paid to the exchequer, and which they had retained contrary to my orders, should remain for liquidation in the hands of the trustees appointed by the treasury. That in order to ascertain, within a limited time, the gradual and full payment out of my own property of the remainder of the debt to the public, occasioned by the failure of my other agent for that office, in whose affairs a commission of bankruptcy had preceded and prevented the effect of the writ of extent which I had applied for, I should give the following securities, amounting in all to 52,087l. 6s.

1st. The sum due to me by government, as one of the commissioners of the land revenue	£ 8,250	0	0
2d. The bonds of sundry gentlemen of undoubted fortune and responsibility, whose names were laid before the treasury, payable in 5, 6, and seven years, for - - -	32,500	0	0
3d. The obligation of the executors of the estate of River Antoine, in the island of Grenada, to pay the three-fourth			

parts of the value of the produce of that estate annually to the exchequer, until the whole of my debt, and that of Messrs. Fergusson and Murdock, late agents of my office, shall be fully paid. This estate, before the late disturbances, yielded 5,000l. a year, and the works being now re-established, it is expected to yield 6,000l. a year. The value of the crops of the next and following years are to be applied to the discharge of the money borrowed for the expense of re-establishing the estate; and along with the obligations of the executors, I give my personal engagement, that the payment on my account out of this fund shall be thereafter not less than 3,000l. per annum. This I give as a security for the balance of the sum for which I proposed to give security. - - - - - - - 11,337 6 0

£52,087 6 0

The whole of the securities referred to in this statement I am already prepared to give, except three of the bonds, to the amount of 14,000l., which are now preparing, and they also will be executed in a few days. My object in proposing to give the bonds above-mentioned, was, to fix periods beyond which the debt, so unfortunately incurred, could not remain unpaid. The terms of payment were necessarily determined by a consideration with the friends who granted them, of the time which it might possibly require, from the state of my affairs, to complete the liquidation of the amount of their engagements on the security of those affairs. My expectation however is, that the greatest part of the debt will be much sooner paid. I have already obtained the engagement of a very respectable house in the West-India trade, to advance within one year after peace shall be made, 10,000l. on the consignments from the estate in Grenada, which sum I have engaged shall be immediately applied to the payment of part of those bonds which have the longest term of payment; and there are other very considerable sums which I have reason to believe I shall be able to raise at no great distance of time.—A plan similar to this, as you know, I had made some progress in 4 years ago, but was disabled from carrying it into effect by the disturbances which then broke out in Grenada, and which made it impossible for me to give the necessary securities to the friends who were to engage for me. I have the honour, &c. John Fordyce. 10th June, 1798.

No. II. *Copy of Letter to Charles Long, Esq. dated 31st March,* 1799.—Sir, I my letter dated 10th June last, I had the honour to acquaint you, for the information of the lords of the treasury, that I was then nearly prepared to carry into effect the proposal which I had made to their lordships, respecting the debts due by myself and the agents of my late office of receiver general for Scotland. I am now able to state to you, that I have since completed what I was then preparing to execute, and have, agreeably to the directions from the lords of the treasury, delivered to Messrs. Goodenough and White, as trustees appointed by their lordships, the securities herein-after mentioned. This debt, which as has been often stated, was increased to a great sum by the failure of three different agents, I shall divide into 3 parts. The first and greatest part, being 52,087l. 6s. is answerable from my own property only, in consequence of a commission of bankruptcy having, in the affairs of one of those agents, preceded and prevented the effect of the writ of extent which I applied for, and for which the following securities are given :—

1st. The sum due to me as one of the commissioners of the land revenue, for salary, at the rate of 1,500l. a year, from Jan. 1788 to July 1793; being 5½ years - - - - - £8,250 0 0

2dly. The bonds of several gentlemen, of undoubted fortune and responsibility, deposited with Messrs. Goodenough and White for - - 29,500 0 0

The names of these gentlemen are given in the inclosed paper.

3dly. There has also been deposited with Messrs. Goodenough and White, the obligation of the executors or trustees of the estate of river Antoine in Grenada, to pay not less than three fourth parts of the value of the pro-

duce of that estate annually to the exchequer, until the whole of my debt, and that of Messrs. Fergusson and Murdock, late agents of my office, shall be fully paid -	14,337 6 0
	£52,087 6 0

In a letter from those executors, a copy of which has been sent to Messrs. Goodenough and White, shey thus express themselves respecting the value of the last-mentioned security, and the loss occasioned by the late disturbances in Grenada:—" The returns " from the estate of river Antoine for the " years 1795, 6, and 7, which have been " comaletely lost, would probably have " been worth 20,000l. which, added to the " loan you were endeavouring to obtoin, " would have made a great impression on " your debt to the public before this time." That estate, which was wasted during those disturbances, being now re-established, is expected from this time to be as productive as it formerly was; and if the present prices of sugar shall continue, all the debts upon it prior to mine will be discharged by the crop of next year. I am also still persisting in my endeavours to obtain a loan upon it, which the continuance of war renders difficult, but which will probably be easily got when peace is made. The returns therefore from the estate will be paid annually, and that loan, when it shall be obtained, to the exchequer, in discharge of the balance before-mentioned of 14,337l. 6s. in the first place; and after that is paid, to the gradual discharge of the bonds for 29,500l. and of the debt due, as is after-mentioned, by Messrs. Ferguson and Murdock, as agents for my late office, in just proportion to the amount of the sums due to them and me from that estate; so that though those bonds granted by my friends are not payable till 1805, I have reason to expect that a very considerable part of them will be discharged before that time; and that term of payment is only to be considered as the mode taken to fix the period beyond which no part of that debt due by me for the security of which those bonds are given, can remain unpaid. The second part of that debt to the public is for 13,415l. 17s. 9d. due by Messrs. Douglas and Cockburn, to whom the money of my office was remitted by my deputy, in obedience to the directions of the first lord of the treasury, at the time when I discovered that they had detained a great sum of that money contrary to the orders given them to pay it into the exchequer. Steps were taken for obtaining writs of extent, and the securities so acquired for that month were put into the hands of trustees appointed by the treasury, with whom a considerable part of those securities still remain for liquidation.—The remainder of the debt to the public is due by Messrs. Fergusson and Murdock, who having been appointed agents for the office, on the failure of Douglas and Cockburn, fell into the same irregularity of retaining the money remitted to be paid into the exchequer; in consequence of which their effects were seized upon extents from the crown, and put into the hands of the same trustees. From those effects it is expected that the full amount of what remains due by them will be recovered. I have the honour, &c. (Signed) John Fordyce.

Note of Bonds, referred to in Mr. Fordyce's Letter to Mr. Long, 31st March, 1799.—Bond granted by Duncan, Davidson, and W. Gemmell 7,000l. by R. Bogle, Esq. 4,000l. by P. Antrobus, Esq. 4,000l. by W. Blair, Esq. 3,500l. by G. Mowbray, Esq. 3,000l. by A. Brodie, Esq. 2,000l. by O. Colt, Esq. 2,000l. by R J. Sullivan, Esq. 1,500l. by J. Sullivan, Esq. 1,500l. by J. Spalding, Esq. 1,000l. making 29.500l.

No. III. — *Copy of a Letter from the Trustees of John Fordyce, Esq. to the Secretary to the Board of Taxes; dated 16th June* 1802.—Sir, We have the favour of your letter of the 28th May 1802, in which you state, " That the commissioners for the af- " fairs of taxes observing by a letter from " Mr Fordyce, late receiver general of " Scotland, to Mr. Long, dated the 10th " June 1798, that one of the bonds offered " as a security for part of the debt due from " him to the crown, is an obigation of the " executors of the estate of the river An- " toine in Grenada, to pay three-fourth " parts of the value of the produce of that " estate annually into the exchequer, until " the whole of such debt, and that of " Messrs. Fergusson and Murdock, late " agents in his office, have been fully paid; " and that the payment out of that fund, " after the two years crops which are ap- " propriated te the discharge of the money " borrowed to re-establish the estate, would " not be less than 3,000l. per annum; and " it appearing that no payment has been " made into the exchequer out of the pro- " duce of the estate, the board request us " to transmit them a copy of the bond, if " in our possession, or acquaint you with whom it is deposited, in order that it may be seen whether the same is forfeited, and whether it may be proper to institute any proceedings for the penalty; also desiring to be informed whether any, and what sums had been received from the effects of his late agents which were seized upon extents, and came to our hands as trustees for the crown;" We have to acquaint you, for the board's information, that the monies received from the effects of his late agents seized upon the extent, which came to our hands as trustees for the crown, have been from time to time as they were received, after deducting the costs and charges incurred in the recovery and receipt thereof, paid by us into the exchequer on account of Mr. Fordyce's debt: that we are not in possession of any such bond of the executors of the estate of the river Antoine as is mentioned in your letter, and we do not believe that any such ever existed: Mr. Fordyce has a mortgage upon the equity of the redemption of that estate; we therefore imagine that the obligation, if so it can be called, mentioned in your letter, must be some arrangement between him and the prior incumbrancers. We are, &c. (Signed) G. T. Goodenough, Josh. White.

No. IV.—*Copy of Letter from John Fordyce, Esq. to the Secretary to the Board of Taxes; dated* 15*th June* 1803.—Sir, In consequence of your letter, dated 28th ult., written under the direction of the commissioners for the affairs of taxes, desiring me to send a copy of the bond of the executors of the estate of the river Antoine, to pay three-fourth parts of the value of the produce of that estate into the exchequer until the whole of my debt, and that of Messrs. Fergusson and Murdock, late agents for my office, should be fully paid, if that bond be in my possession; or acquaint them with whom it is deposited, in order that it may be seen whether the same is forfeited, and whether it may be proper to institute any proceedings for the penalty, I have the honour to acquaint you, that the obligation granted to the trustees for the treasury by those executors was in the form of a missive, not a bond, and that it never was given to me by the trustees, nor is in my hands; and Mr. C. Fergusson assures me that it is not in his possession. If the obligation, however, which seems to have been mislaid, should not be found, it will make no difference in the security, the executors having no wish or intention to avoid the fulfilment of the conditions in it, which they do not conceive that they have hitherto in any manner transgressed.—In my letter to Mr. Long, referred to in that which I have now received from you, and in another to the same gentleman, dated 31st March 1799, in which the securities given to the trustees for the treasury are more particularly described, I mentioned my expectation, that "the river Antoine estate, which had been wasted during the insurrection, having been re-established, would after that time be as productive as it formerly was; and that if the then prices of sugar should continue, the debts upon it prior to mine (being the sums advanced by the consignees) would be discharged by the crops of the subsequent year, in which case, not only would the value of three-fourth parts of the produce be applied to the payment of Messrs. Fergusson's and Murdock's debt and mine, until their full payment, by a loan would probably be obtained by me upon the estate farther to accelerate the payment of those debts."—But though the estate has, as we expected, become as productive as formerly, and the crop of the present year, as we are informed, very far exceeds any one that ever before grew upon it, yet such has been the fall in the price of sugar, and the increase of duties and expenses, that, as I am sure I need not inform yourself or the commissioners, neither this or any other such estate in Grenada has afforded any clear revenue to the owners; and the consignees declare that their prior claim is not only not dicharged, but not diminished since the date of that letter.—That estate owes me, by accounts proved in the court of chancery, more than 50,000l. which is certainly more than I shall ever recover from it; but it will be unfortunate indeed if it shall not produce 14,337l. 6s. which is the sum for which it is given to the treasury as a security; and I have not, nor can I receive one shilling from it, till the government debt is paid:—The obligations which I came under to the treasury in consequence of the arrangement made for the payment of my debt, I have the satisfaction to know will be punctually paid, if I am not interrupted in the liquidation of my affairs; and I have still reason to believe from Mr. Fergusson that the securities obtained by the writs of extent and otherwise, for the debt due by Fergusson and Murdock, will be sufficient for the discharge of the debt still due by them. No part of that debt, or of the balance due by Douglas and Cockburn, has been received by me.——I have the honour, &c.

John Fordyce.

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